



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, APRIL 15, 2013

No. 50

## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, inspire us to treat others as we want them to treat us. Let us rejoice in their strengths, and let us be patient with their weaknesses.

As our Senators do the work of freedom today, may they be sustained by Your love. Remind them that Your Divine affection has given them everything they need for life and liberty. Answer them when they cry out to You and tell them great and unsearchable things they do not know. Give them the humility to understand that none of us has a monopoly on Your truth and that we all need each other to discover Your guidance together.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 o'clock this afternoon. During that period of time, each Senator will be allowed to speak for up to 10 minutes each, if they wish.

At 5 p.m. the Senate will proceed to executive session to consider the nomi-

nation of Beverly Reid O'Connell to be a district judge for the Central District of California.

At 5:30 p.m. there will be a rollcall vote on confirmation of the O'Connell nomination.

### PREVENTING GUN VIOLENCE

Mr. REID. Mr. President, the debate over the best way to prevent gun violence in America raises strong emotions. Second amendment advocates—me among them—want to preserve and protect the right of every law-abiding citizen to bear arms. Victims of gun violence and family members of those killed by guns—me among them—want to ensure that guns are kept from the hands of criminals and those with mental illnesses severe in nature. These are both worthy goals, and they should not be mutually exclusive goals.

It is possible to uphold the second amendment while protecting innocent Americans from gun violence. Of course it is. The compromise background check proposal before the Senate—a measure crafted by Senators TOOMEY, MANCHIN, KIRK, and SCHUMER—achieves both goals. This bipartisan measure would keep guns out of the hands of dangerous criminals by requiring background checks for private gun sales at gun shows and over the Internet.

It strengthens the existing instant check system by encouraging States to put all their criminal and mental health records into the National Instant Criminal Background Check System, a step supported by gun rights groups. And it would establish a National Commission on Mass Violence to study all causes of mass violence in our country. School safety, mental health, video games—whatever is appropriate should be looked into.

This legislation has the backing of the Citizens Committee for the Right to Keep and Bear Arms. It has 650,000 members. It is the second largest gun rights group in the Nation.

On this proposal—background checks—the National Rifle Association is not being very talkative. Why? Because they have supported this measure in the past. And while they are not publicly supporting it now, they have done it in the past.

This measure has the support of antigun violence advocates such as Mayors Against Illegal Guns, consisting of hundreds of mayors around the country. It has the support of law enforcement groups, such as the International Association of Chiefs of Police.

Although this compromise does not go as far to expand background checks as some had hoped, the nature of compromise is what it is. That is what legislation is all about. It is not perfect, but it certainly is a long, big, heavy step forward.

Expanding background checks to cover gun shows and Internet sales is common sense. It will help protect the innocent from gun violence. And it will also protect firearms sellers. No responsible firearms dealer wants to unwittingly put a gun in the hands of a murderer.

One need only ask a man by the name of Bruce Daly. Mr. Daly sold the shotgun that was used in a shooting rampage at the Lloyd D. George Federal Courthouse in Las Vegas a few years ago.

Seventy-two-year-old security guard and retired police officer Stanley Cooper was murdered by a felon who bought a gun at a gun show in Kingman, AZ—90 miles from Las Vegas. I repeat, the shooter was a convicted felon, who had no right to own a gun and could never have passed a background check. But because Mr. Daly sold the shotgun at a gun show in Arizona, he never had to perform a background check.

After the shooting at the Las Vegas courthouse, Mr. Daly was found to have an expired Federal permit for selling weapons, and because of that he

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2629

was convicted. But Mr. Daly, admirably, has stepped forward. He admits to having sold dozens of guns that were linked to violent crimes. I repeat, today Mr. Daly, admirably, wishes he had done more to keep the guns he sold out of the hands of criminals, and he has stated many times that expanded background checks are the best way to do that.

Most gun owners—and most gun dealers—are responsible, law-abiding people. They love and respect firearms. They are sportsmen who hunt. They may take their weapons when they go fishing. These are people who enjoy target shooting, who no longer hunt, but they like to go out and plunk or they like to go to a range and shoot. They are citizens who simply want to protect themselves, their homes, and their families.

A better background check law will not infringe on second amendment rights in any way. But it will prevent the small minority of people who want to obtain guns for the wrong reasons from buying these weapons. And it will stop troubled people who, because of an illness beyond their control, would be a danger to themselves or to others if they possessed a firearm.

This compromise legislation should not be controversial. Nine out of 10 Americans—including a majority, a vast majority, of gun owners and 75 percent of NRA members—support stronger background check laws. This is not the background check law that was reported out of the committee that is in the underlying bill. But MANCHIN, TOOMEY, KIRK, and SCHUMER think they can improve that, and that is what this amendment is all about.

A number of my colleagues oppose this measure. I am sure that is the case. It is their right to vote against it. We continue to work—I continue to work—toward an agreement to vote on this compromise and to consider other amendments. We need to do that. Democrats are not going to offer all the amendments. Republicans want to offer amendments. They feel the law in the country today is too weak. In their minds, they want to make it weaker but they think that is a strength. Most people, a majority of us, would disagree, but they have a right to do that.

I hope there are not going to be a few unreasonable extremists who are going to try to prevent an up-or-down vote on legislation in this bill. We should not have a filibuster on this legislation. I, of course, can always file cloture. I hope we do not have to do that. That would be a shameful tribute to the memory of 27 people who died in Newtown: little boys and girls—in the minds of many, babies—and school teachers, administrators who were killed; 27 of them.

Newtown deserves a vote, and so do the mothers and fathers, loved ones and friends, of the 3,300 victims of gun violence in America since that terrible day at Sandy Hook. Mr. President, 3,300 people have died because of gunshots since Sandy Hook.

Don't we have an obligation to the American people to do some correcting of what is not right in this country? I believe so.

Mr. President, I know the chairman of the committee, who has worked hard to get this matter before us, is here. He also has an amendment. I hope we can get to his amendment, which I wish to do next; and that is an amendment that I am told is even supported by the National Rifle Association to improve what is in this bill that was reported out of the committee dealing with Federal trafficking.

The PRESIDING OFFICER (Mr. Kaine). The Senator from Vermont.

#### GUN TRAFFICKING

Mr. LEAHY. Mr. President, I tell the Senator from Nevada, we have been working very hard on that. It has bipartisan support. It had a bipartisan vote out of the Senate Judiciary Committee.

We had been working on it with the National Rifle Association and a lot of others because this trafficking allows somebody who can legitimately buy weapons to go in and buy them and then sell them to people who are from a drug cartel in this country or others or to a gang member—people who could not have bought them legitimately. It is a huge loophole.

We saw the same loophole in the murder of the head of the Colorado prison system. The man who we understand shot him would have been prohibited from buying a weapon, but somebody who could buy one bought it and passed it on to him.

I want to thank Senators MANCHIN and TOOMEY for coming forward with their bipartisan amendment to close the gun show loophole and prevent criminals from obtaining firearms, while at the same time respecting and protecting the second amendment rights of responsible gun owners. These Senators have worked long and hard. They have studied the issue. They have compromised, and they have reached an agreement that I intend to support and I hope the Senate will adopt.

The Senator from Nevada certainly hopes Senators will vote and not filibuster. The American people I think would consider it a disgrace if Senators were unwilling to stand and vote either yes or no. A filibuster means you vote maybe. I would hope, with only 100 of us to represent 314 million Americans, we would at least have the courage to vote yes or vote no. It may not be a popular vote either way you vote, but voting maybe—which is what a filibuster is—shows no respect for the Senate and shows no courage.

We have had background checks for decades. They are an accepted part of the process of buying a gun. I am among millions of responsible gun owners who have undergone a background check as part of this process. And as I tell our gun dealers in Vermont when I buy a gun there, I am like millions of

responsible gun owners. I understand this check is necessary and I have no problem going through it. But I expect everybody else to go through it because it keeps guns out of the hands of criminals and those who are a danger to themselves and others due to mental illness.

Background checks work. Since 1998, over 2 million sales to prohibited people have been prevented thanks to background checks. That is 2 million times a potentially dangerous person trying to get a gun was denied a gun.

Now some argue that background checks do not work because not enough people who fail the background check are later prosecuted. Failing a background check is not in itself a crime. Indeed, the main purpose of the background check is to prevent a prohibited person from getting the desired gun. Although not foolproof, the background check system we have had in place has succeeded in preventing dangerous people from getting guns over 2 million times. What we are now trying to do is improve the background check system. That is what the Manchin-Toomey amendment is trying to do. We all know there is a huge, huge loophole in that background check system. Criminals and other prohibited people who could not go in to a legitimate gun store in the Presiding Officer's State or my State can get around this by going to nonlicensed dealers at gun shows.

I know gun store owners in Vermont. They follow the law and conduct background checks. They wonder why others who sell guns do not have to follow these same rules. I agree with these responsible business owners. Just as I go through a background check when I buy a gun, I want everybody to have to go through it and not be able to use the loophole.

I have been voting to close this loophole for years. In 1999, when the Senate adopted an amendment to close the gun show loophole, we passed that provision after the tragedy at Columbine. Regrettably, the House would not pass the bill. Republican leadership at the time let the matter drop. I hope this time the House will join us to close the loophole once and for all.

The Manchin-Toomey bipartisan amendment closes the loophole in a way that does not infringe upon second amendment rights. Sales at gun shows, sales using online or print advertising will be governed by the same kind of requirements that a gun store owner in Vermont or Virginia or anywhere else has to follow. It is going to make us safer. It will not confiscate anyone's guns. It will not create a government registry. It does not undermine the second amendment. No court has held that background checks, which have been with us for decades, violate the second amendment. Indeed, when the U.S. Supreme Court expressly held that the second amendment provides an individual right in the Heller case, it also said that "longstanding provisions on the possession of firearms by felons and

the mentally ill" do not violate the second amendment.

The compromise these Senators have presented to us is focused on gun shows and commercial sales. It does not require background checks for sales between spouses or siblings or parents, grandparents, uncles, aunts, nieces, nephews, and cousins. It does not require background checks for a transfer between friends and neighbors who talk to each other and decide to sell or give each other a firearm.

The bill does not require background checks for temporary transfers of guns for hunting or target shooting. But it does require background checks for the kind of sales that can be easily exploited by people who intend to do harm: sales at gun shows and through online and print advertisement.

I would hope Senators would agree with 90 percent of the people in this country: We need a strong background check system in order to keep guns out of the hands of dangerous criminals. Why not try to plug the loopholes in the law that allow dangerous criminals to buy guns without background checks? It is a matter of common sense. If we agree that the background check system makes sense, why not make it more effective? What responsible gun owner objects to improving the background check system?

I come from a State with a lot of gun owners, myself included. I have not heard a single gun owner say, we should not have a background check apply to everybody just as it applies to them.

At the first of our Judiciary Committee hearings of the year, the first of three hearings on gun violence proposals, I pointed out that Wayne LaPierre of the NRA testified in 1999 in favor of mandatory criminal background checks for every sale at every gun show. He emphasized at that time the NRA supported closing loopholes in the background system by saying, "No loopholes anywhere for anyone."

It is common sense. That is what we voted to do in 1999 and we should again, and this time we should get it enacted. I have said over and over again, do not filibuster or sloganeer. Vote. Vote yes; vote no. Do not vote maybe. No one is going to take away our second amendment rights. They are not at risk. But lives are at risk where responsible people fail to stand up for laws that will keep guns out of the hands of those who use them to commit crimes of violence.

This is something we can come together and do to make America safer and more secure. Some have expressed frustration about the level of prosecutions under existing gun laws. And some have suggested that instead of making sensible changes to our public safety laws to prevent gun violence, Federal law enforcement officials should focus exclusively on existing laws. I share some of that frustration, but I do not agree it is a valid excuse for us to do nothing. Improvements in

the enforcement of existing laws and efforts to give law enforcement officials better tools to do their jobs are not mutually exclusive; those efforts complement each other. A recent article in the Washington Times, certainly not considered a liberal paper, documented the gun prosecutions were in decline beginning in the Bush administration. They suggested having a Senate-confirmed Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives would significantly help law enforcement. We need to get such a director. But let's not be distracted from what we can do to keep Americans safe by partisan attacks on this administration or the last administration.

I also want to thank Senator SCHUMER for all his efforts to bring us to this point. I worked with him to make sure the legislation considered and voted on in the Judiciary Committee included a provision to improve the background checks system. He introduced a number of background check proposals. He reached across the aisle to try very hard to come to an agreement with Senator COBURN. His efforts helped pave the way for the agreement that Senator MANCHIN and Senator TOOMEY were able to reach.

I have also been encouraging the junior Senator from West Virginia in his efforts. He has shown great leadership, sensitivity and perseverance. I commend Senator TOOMEY for his willingness to join in this legislative effort. Together they have done the Senate and the country a great service. At the outset of the Judiciary Committee's consideration of this issue, I encouraged Senators to bring forward their ideas, to debate that which they thought could make a difference, not just obstruct that which they opposed. I hope those who oppose the measure put forward by Senators MANCHIN and TOOMEY will seek to be part of this debate rather than simply try to silence it.

Improving the background check system is a matter of common sense. Senators MANCHIN and TOOMEY have shown that it can be accomplished in a way that better protects our communities and fully respects our Second Amendment rights. I am pleased to support this bipartisan solution.

Now, will everybody agree on this legislation? Perhaps not. But at least have the courage to vote yes or no. Vote yes or no. If you are going to vote maybe, that is voting for a filibuster. The American people want a little bit of courage on the part of 100 Senators.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5

p.m., with Senators permitted in speak for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX REFORM

Mr. WYDEN. Mr. President, in Shakespeare's "Julius Caesar," a soothsayer warned Caesar to "beware the Ides of March." For most Americans, however, the Ides of March passes without incident. It is the Ides of April—April 15, tax day—that so many Americans dread. The last few days must have been a big bonanza for the headache medicine industry. Taxes are due tonight at midnight.

Millions of Americans spent their weekend struggling to use tax software that crashed, flailing about to locate receipts, and wading through hundreds of pages of tax instructions. Instead of enjoying the outdoors or spending time with family and friends, too many Americans spent this past weekend hunched over their kitchen tables or in front of their computers surrounded by a maze of receipts, canceled checks, forms, and other paperwork as they undertook the annual water torture ritual of preparing tax returns.

This is the tax instruction booklet for our personal taxes, our 1040 form. It goes on and on, well over 200 pages. The first 104 pages of instructions are the basic form 1040. The further 110 pages of instructions are for the most common schedules to the 1040. There has got to be a better way.

Some day I hope Democrats and Republicans can come to the floor of this body, ask unanimous consent that this goes into the trash, and instead we substitute a much simpler way for our people to do their taxes. The reality is the Tax Code is too complex, too costly, and simply takes too much time to comply with. It is a code that is hopelessly out of date, mind-numbingly complex, increasingly unfair, and extraordinarily inefficient.

As a result, one of our most consequential economic policies, our tax law, does far more to stifle economic growth than to encourage it. Our country needs a comprehensive overhaul of our system of raising revenue and a modern Tax Code that is simpler, fairer, and simply more efficient. In sum, what is needed is a pro-growth economic tax policy. If history is any guide, particularly when former President Reagan and a big group of Democrats got together, it can bolster American families and increase revenue without raising rates.

I have been something of a broken record on this issue for some time. But on a day such as this, particularly given what our people went through over the past weekend, I think it is time we spend a few minutes to talk

about how important it is to bring some common sense to American tax law. What is particularly striking is that I think the Congress understands what needs to be done. This is a question of political will now. There have been all kinds of blue-ribbon reports from the Bush administration, the Obama administration. I think what needs to be done is widely understood.

The pipes in the Tax Code are clogged with provisions that encourage rent-seeking behavior, lead to the misallocation of capital, and warp the American economy. What needs to be done is go in there and drain the swamp and clean out the Tax Code. It contains almost 4 million words. In the last decade alone, more than 130 laws have been enacted that yielded almost 4,500 changes to the Tax Code. That amounts to more than one change to the Tax Code each and every day, year in and year out.

It has become so complicated that almost 90 percent of taxpayers either hire a tax preparer or use tax preparation software to complete returns. The IRS reports that the average estimated time burden for all taxpayers filing a Form 1040, a 1040A, a 1040EZ, is 13 hours, with an average cost of \$210. With respect to these forms, nonbusiness taxpayers face an average burden of about 8 hours, a full day's work, while business taxpayers face an average burden of about 23 hours, nearly 3 days of work.

In 2011, the Small Business Administration found that among businesses with 20 or fewer employees, tax compliance cost \$1,584 per employee. In addition to the escalating cost of compliance with this code, cost, both time and money, the complexity of the code, in my view, has obscured the typical person's ability to understand it and has undercut voluntary compliance, which is, of course, the bedrock principle of our tax law.

With the ongoing debate about how to reduce the budget deficit, the Tax Code's complexity serves also to perpetuate what is known as the tax gap; that is, the difference between what taxpayers pay and what is owed under the law. The most recent Internal Revenue Service estimate for the tax gap is \$385 billion. Based on statistical trends, the likely gap for this year is going to exceed \$420 billion. This is an underpayment of approximately 14 percent.

My gut tells me—I serve on both the Finance Committee and the Joint Committee on Taxation—that some of this gap certainly is due to conscious tax evasion, but I also believe a significant portion of it is attributable to inadvertent mistakes in filing, many of which stem from the complexity of the code. Well-coordinated, thoughtful, comprehensive reform is going to reduce the need for many complex provisions that limit the ability of taxpayers to benefit from certain deductions, credits, exemptions, and exclusions. Comprehensive tax reform must

eliminate the multiple provisions that require taxpayers to calculate their liability multiple times, such as the alternative minimum tax. Talk about bureaucratic water torture. All this weekend across the country we had middle-class folks essentially doing their taxes twice as a result of the minimum tax. The personal exemption phaseout, PEP, and the phaseout of itemized deductions, Pease, isn't much easier.

I would show this poster which demonstrates 11 tax forms. These are forms, colleagues, the typical filer must fill out every year or, if they can afford it, pay someone to fill them out. Is it really necessary to run this full-time, hand-cramping program for our citizens to have to wade through all of this?

We also have another alternative, a one-page 1040 form which I have worked on with colleagues for years. It is only about 29 lines long. Some industrious reporters took this particular tax form and found a typical citizen—this was worked on by Democrats and Republicans—may fill out their taxes with this form in under an hour.

To illustrate how complicated the code has become, let me refer briefly to capital gains. The income tax currently imposes at least nine different effective tax rates on capital gains, depending on the taxpayer's regular rate, how long an asset was owned, the type of asset, and whether the taxpayer owes the alternative minimum tax. For this the IRS provides three different worksheets, one with 37 lines, to help taxpayers calculate their tax on capital gains.

Comprehensive reform should make things easier for taxpayers by allowing a percentage exclusion for long-term gains and reapplying regular tax rates to the rest. This simple change, to have an exclusion for a measure of capital gains which have been earned and then a progressive rate structure from this point on, would sharply reduce the complexity of returns while maintaining fairness and opportunities for all our people to invest.

Further complicating matters, a number of commonly used terms in the Tax Code: qualifying child, modified adjusted gross income, and more, have multiple definitions depending on the provision. Certainly, Democrats and Republicans should agree uniform definitions for the most commonly used terms are something which shouldn't be a bipartisan issue. More than 40 definitions of small business exist in the Tax Code alone.

There are certainly policy reasons to provide tax benefits to families with children. The definition of a child differs widely across the Tax Code.

Children under 19 count in defining the earned-income tax credit benefits. Those under 17 qualify for the child credit, and only those under 13 are eligible for the child and dependent care credit. Maybe these differences result from deliberate congressional actions

about who ought to receive tax benefits, but I think they needlessly complicate tax filing and certainly lead to inadvertent errors which the Internal Revenue Service then attempts to figure out how to correct.

Other factors used to define qualifying children further complicate the situation, including the child's physical residence, custody arrangements, and who pays the child's living expenses. Establishing a single definition to determine whether taxpayers may claim tax benefits for children would simplify both tax filing and IRS processing of returns.

The list only goes on and on, such as the earned-income tax credit, something vital to low-income families, and a whole host of different workshops. The educational credits are, again, another example where families with students in college qualifying for multiple tax benefits to defray educational expenses often may claim only one of them. For example, a family may be able to claim either the Hope credit or the Lifetime Learning Credit, but not both for the same student.

If the family has more than one student it may claim one credit for one student and the other for a second student. Determining which alternative is best requires multiple calculations and may conflict with the use of other tax benefits for education such as Coverdale savings accounts and 529 savings plans. Comprehensive tax reform would, at the very minimum, coordinate these educational benefits to make it easier for families to determine eligibility.

How complicated have things become? A few years ago Treasury's Inspector General for Tax Administration sent staff to pose as taxpayers at 12 commercial preparer chains and 16 small independent preparers. Of the 28 tax returns the professionals prepared, 17 had mistakes. All of the business returns were wrong. Let me repeat that. All of the business returns were wrong when professionals had prepared them.

In 2006 the same sort of drill was undertaken. Again, the Government Accountability Office found professional preparers made mistakes. They mishandled those bread-and-butter kinds of issues, such as the earned-income tax credit and the childcare credit. They even got it wrong whether the taxpayer should even itemize his or her deductions.

The question is, If the pros can't figure out how to file taxes, isn't it clear, isn't it obvious to all of us the Tax Code needs to be purged and the special interest breaks cleaned out so rates can be held down for all? And we can agree on a simple tax philosophy. I can sum up mine in a sentence.

I believe we need a tax system which gives everybody in America the opportunity to get ahead. If you are successful, we want you to be successful. You will pay your fair share, but nothing in the Tax Code will make it impossible for you to be successful in the days

ahead. If you don't have much, we will have a Tax Code which is simple and understandable. When you work hard and play by the rules, you will have an opportunity to get ahead as well.

Comprehensive tax reform will make it easier to file. It is going to lay out an opportunity for the Senate Democrats, Republicans, and Independents to come together.

I close simply by saying once again, we saw in the past few days how broken and dysfunctional our tax system in America has become. Can you imagine what people thought when their software was crashing in the last couple of days? They are trying to find their receipts, flailing through filing cabinets trying to find those documents which attest to their taxable events for the past year. They can't know with certainty, based upon some of those analyses by the Government Accountability Office, whether they have done it right or even professionals have done it correctly.

Until this Senate comes together on a bipartisan basis to work for a simpler, more coherent tax system—one which promotes growth and eases the burden on American families and American businesses—there will be no relief from the Ides of April. This, in my view, is a tragedy worthy of Shakespeare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I ask for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX DAY

Mrs. FISCHER. I rise today on Tax Day, the deadline for Americans to file Federal tax returns on their hard-earned income for the 2012 tax year. Benjamin Franklin famously said the only sure things in life are death and taxes. Today we Americans live up to that second hard truth, the day when the taxman comes.

For those of us in Congress, Tax Day serves as an important reminder of just who is funding all of the government's spending: it is the American taxpayer. Even as families across America have made tough decisions and tightened their household budgets, the Federal Government has gone on a spending spree. The government has posted four straight trillion-dollar deficits and is growing the national debt, which is approaching \$17 trillion.

In recent years the average annual deficit has skyrocketed to 8.7 percent of our gross domestic product. These deficits should be all the evidence we need in order we get our fiscal house in order.

I believe, and Nebraskans believe, to generate economic growth we must first address our Nation's addiction to spending. We need to fix our broken tax system, and what better time than Tax Day to highlight this need?

Tax Day is a day to renew our efforts to simplify the tax system and ease the burden on hard-working Americans. The act of actually filing taxes is never pleasant, but it also allows Americans the chance to assess just how much of their income is going toward subsidizing an ever-growing bureaucracy.

Rather than make it easy for citizens to comply with the income tax requirements, the Federal Government has held onto an arcane, convoluted tax system. Many citizens, particularly small business owners, are forced to hire costly accountants or buy tax software just to sift through the 3,951,104 words of the Tax Code which, along with other rules and regulations, fills 73,608 pages of text, all in order to figure out just how much one owes.

Nebraskans shouldn't need to waste their time or pay for expensive financial advisers just to fork over more money to Uncle Sam. Americans collectively spend more than 6 billion hours preparing their tax returns. Imagine what more could be done if Americans could focus less time and resources on tax compliance.

According to the National Federation of Independent Businesses, 90 percent of small businesses have given up attempting to comply with the Tax Code. Instead, they pay a professional tax preparation service.

Through tax reform to make the Tax Code simpler and fairer, these small businesses could redirect scant resources currently used for tax compliance to focus more on growth and creating jobs.

I am encouraged, however, by the recent efforts toward much needed comprehensive tax reform to simplify our Tax Code. Just last week the chairman of the Finance Committee, Senator MAX BAUCUS, wrote an opinion piece in the Wall Street Journal with House Ways and Means Committee chairman DAVE CAMP highlighting their progress to date in pressing toward bipartisan tax reform.

President Obama has called for revenue-neutral corporate tax reform in his fiscal year 2014 budget. Unfortunately, the President's proposal is contingent on a \$1.1 trillion tax increase above and beyond the \$1.7 trillion in tax increases the President has already sought and won.

Such a tax hike sends the unmistakable message to every American taxpayer that the government knows how to spend their money better than they do. I believe American families know how best to spend their money, particularly during ongoing times of economic hardship when everyone is called upon to make tough decisions and to make those tough decisions about their budgets and about spending.

Revenue-neutral, progrowth tax reform should not only be geared toward the corporate side of our Tax Code, we should pursue revenue-neutral tax reforms on the individual side as well which would benefit American families as well as small businesses that pay those taxes at the individual level.

Small businesses generate two out of every three new jobs. Ninety-five percent of businesses, which employ nearly 70 million Americans, are organized in such a way that earnings are passed through the enterprise and therefore subject to taxation at the individual level. Tax day provides us with a needed reminder of how broken our Tax Code is. We can and should use it as the impetus to pursue progrowth tax reform. My goal for tax reform is simple—a fairer tax code that ensures that Nebraskans and our neighbors from across the country can keep more of the money they work hard to earn while providing for the core duties and responsibilities of our government.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### GUN SAFETY

Ms. STABENOW. Mr. President, we are about to enter into an incredibly important debate about a series of issues relating to violence—specifically, gun violence—in our communities all across America.

Today I rise to speak about a very important bipartisan amendment I will be offering with Senator ROY BLUNT and others called the Excellence in Mental Health Act. This addresses a very important piece of the discussion. It is an opportunity for us to come together amidst a lot of controversial debate and agree on something that is a very important piece of the puzzle—having access to comprehensive, quality mental health services.

This weekend we heard from Francine Wheeler, whose 6-year-old son Ben was murdered on December 14 in Newtown, CT. We know that Ben was one of 26 people—20 children—who lost their lives. I can only begin to imagine what all of us as parents would feel in that situation. For those 26 victims and the 3,300 other Americans killed since then in acts of gun violence, it is time to take action. I am hopeful, given the strong bipartisan vote we had to move forward on this debate, that we can actually have the debate, that people will have their say and then vote on this very important issue.

The bill before us is a commonsense effort toward comprehensive background checks that will help save lives. I am very supportive of not only that provision but others that will be offered as well.

One important piece that hasn't been in the headlines as much but is very important in getting it right is the need for better access to comprehensive mental health services. That is why we need the bipartisan Excellence in Mental Health Act passed as an amendment that will increase access to care and improve the quality of life for those who need it.

We know that a person who does not receive treatment after his or her first psychotic episode is 15 times more likely to commit a violent act. But let me

be clear. We also know that the vast majority of those who are living with mental illnesses are more likely to be a victim of crime than to be a perpetrator of crime. But tragedies do happen when treatment and help are not available.

In too many instances today we are seeing that there is not effective help available to people in communities. The current lack of access to mental health services means too often it is the local police who are responding to psychiatric emergencies, and they may not have services to which to take someone. These police officers are being diverted from what they should be doing—responding to other crimes—and so they take people to jail rather than have them get the services they need. They are spending resources incarcerating people who would otherwise need to be and should be in a treatment situation.

That is why we have law enforcement supporting this amendment. We have over 50 organizations—from law enforcement and community mental health and health groups, as well as those who represent our brave veterans home from the war—supporting us because they know that if we don't have quality service in the community, we will continue to see people in jail who shouldn't be in jail, we will continue to see families and individuals not getting the help they need, and in some circumstances we will see more tragedies occur as well.

Over the course of this week, we are going to hear a lot of debate about different aspects of gun safety. Colleagues are going to disagree about the manner of background checks or limits on assault weapons. But I hope there will be no disagreement that people with serious mental illnesses should be given effective treatment and that we can do a better job in our country to make sure treatment is readily available in a community setting. That should be the hopeful part of this whole debate.

Science has shown us significant advances in the study of the brain and the most effective mental health treatments. There are solutions if people get the help they need. They can live healthy, productive lives rather than struggling with their illness. And I applaud President Obama's historic brain mapping initiative to expand that knowledge even more.

It is amazing to me that we have so many studies relating to heart disease, kidney disease, or diabetes, and yet all of the issues relating to the brain—whether it is bipolar disorder or Alzheimer's or Parkinson's disease or schizophrenia—we have not tackled with the same vigor. There are solutions. We are finding those every day. There is hope. Today, thanks to cutting-edge research, we have answers for people living with severe mental illnesses. We have proven therapies, treatment options, and medicines that truly transform lives.

I speak as someone who lived, as a daughter, through a time when we did

not have appropriate treatments. When I was growing up, in middle school and high school, my father had bipolar disease. At that time we didn't know what it was. He was misdiagnosed for 10 years. At that time everybody was schizophrenic. There was no understanding that we actually have chemical imbalances in the brain, just as someone who isn't monitoring their sugar because they are diabetic might have. They need to monitor that in order to take medicine to keep them on an equilibrium so they do not get sick and have problems. We have the same thing with something called mood disorders in our country, and we have learned much about it. If someone is taking the right medicine, it stops the imbalance where they are either manic or severely depressed.

There are solutions. When my dad was finally diagnosed correctly and received the help he needed and the medicine—at the time it was lithium—he went on to lead a very productive life for the rest of his days. So I have seen both what happens when people don't get treatment and when people do, and we literally have the opportunity to take this next step in order to make sure people all across our country get the help they need.

Unfortunately, today one-third of all bipolar disorders do not get any treatment even when we know there are absolute answers for individuals and families. Shame on us for not making sure those are readily available. The amendment I will be offering would make sure those are available and close what I believe is the final step in what we have called mental health parity.

We, as a group, on a bipartisan basis passed legislation authored by our dear departed Paul Wellstone and Senator Pete Domenici, with strong advocacy from Senator Ted Kennedy, to provide parity under health insurance between physical and mental health services. We passed that. We have now gone on to strengthen that with the new health reforms that are in place. The only place where we don't have mental health parity right now is in the community outside of the insurance system. We do not have the same parity between what we do through a community health clinic receiving reimbursement for preventive care for health services and what we do for behavioral health—mental health, substance abuse—which is what we are going to fix with this amendment. We want to make sure we are focusing comprehensively in the community.

As part of this, I also wish to talk about another tragedy facing our country; that is, the loss of so many of our heroes from Iraq and Afghanistan. This is a very important part of this story and part of what our amendment will address in a very positive way. Men and women who survive the horrors of war are ending up taking their own lives when they come home. Twenty-two veterans a day commit suicide, 22 a day today, yesterday, and tomorrow.

They and their families, all those in that situation, need to know there is help available for them. That is why we have very strong support from veterans, the Iraq and Afghanistan veterans organizations, which were very pleased to have stood with us last week when we did a press conference with veterans to focus on this important part of the puzzle.

We know that one in four veterans coming home needs some kind of mental health support, so we want to make sure that if they are in a rural community in northern Michigan and it is 3 or 4 hours to drive to the VA, they instead could receive some help in their own community—working with the VA but receiving help in their own community—and that is what this does. We want to make sure that our veterans are fully receiving the services promised them and that comprehensive health care will be available to them when they come home.

I would like to share just one story from our press conference.

Jennifer Crane joined us. She is a veteran of the war in Afghanistan. This October will mark 10 years since she returned home, but she says, "The experiences live inside of me like it was yesterday." She suffers from post-traumatic stress disorder. She couldn't sleep. She self-medicated and ended up homeless and in trouble with law enforcement. But when she got the help she needed at a community mental health center, it transformed her life. She met the man who would become her husband. She is now going to have a baby and now works with Give an Hour, which is a wonderful organization that helps veterans get the mental health services they need, and they are strongly supporting what we are doing as well.

Jennifer could have ended up a statistic, but she got the help she needed. We need to give every one of our heroes coming home from war the same opportunity. That is why the Excellence in Mental Health Act is so important as a part of all of this effort.

We have come a long way, in a bipartisan way, to recognize the need for mental health treatment. As I mentioned before, the wonderful partnership of Senators Domenici, Wellstone, and Kennedy paved the way for us to more fully understand that when we talk about comprehensive health services, we shouldn't stop at the neck—from the neck down, one set of rules; from the neck up, another set of rules—that, in fact, we are talking about comprehensive care. We need to make sure we lose that stigma and focus instead on what we can do to help people receive the services they need. This amendment takes those efforts across the finish line by expanding access to community mental health services.

I knew there would be a lot of controversial debate, but I hope in the end we will be able to come together, as we have on this amendment. I am very appreciative of the bipartisan support. I

want to thank Senator ROY BLUNT again on our Excellence in Mental Health Act, as well as Senator MARCO RUBIO, Senator SUSAN COLLINS, Senator LISA MURKOWSKI, and others who have expressed their support as well. This is an opportunity for us to come together, as we have in the past, and do the right thing for millions of families dealing with mental illnesses that are treatable. The good news is there is hope now. There are actually answers now to so many mental illnesses. By passing our bipartisan Excellence in Mental Health Act we can prevent tragedies from happening in families all over our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first, I commend and thank my colleague from Michigan, Senator STABENOW, for her leadership on an issue that is among the paramount questions for our time: whether we will meet our obligation to regard mental illness on a par with physical illness, a cause that has occupied me for a long time. So I want to thank the Senator from Michigan for spearheading this initiative, which is a vital part of the effort to stop gun violence in our country and, in fact, make our country healthy in so many ways. I am proud to join her as a cosponsor and a supporter of these efforts.

I come to the floor today to continue the debate on the gun violence initiatives which are central to making America safer and making our country stronger. This bill is a comprehensive set of provisions that will hopefully be further strengthened by an amendment to be offered this week. We are on the cusp of voting on that amendment, the work done by Senators TOOMEY and MANCHIN, our colleagues, to reach a reasonable compromise. It is indeed a sensible, commonsense compromise that I am proud to support that will guarantee a criminal background check system to keep firearms and weapons of war out of the hands of people who are dangerous, people who should not have guns, criminals, mentally ill, seriously mentally problem-stricken, and of course others, such as domestic abusers.

For too long, criminal individuals and organizations have prospered from illegally distributing weapons and firearms. So the bill in its second title takes a great step toward barring illegal trafficking and to also ban straw purchases.

Too often given short shrift or little attention is the third title which speaks to school safety, and that is the measure that brings me here today.

School safety is not an afterthought. It is central to stopping gun violence. The tragic lessons we have learned from Sandy Hook include not only the courage of the educators, those brave teachers and administrators and school psychologists, who literally threw themselves at bullets and cradled the

loved ones of families who lost their lives, cradled children in their care as they were met by a hail of gunfire—that teaching moment should not only inspire us but obligate us to do more about school safety.

That is why I have gone to the schools of Connecticut, most recently on a tour that I conducted to ten schools around the State, to learn from our educators what they think those lessons are from Sandy Hook and where they think the priorities should be in terms of school safety. That experience provided me with some pillars of a program that I believe is important and is embodied in the act that is before us: the School and Campus Safety Enhancement Act. I want to thank Senator BOXER for her leadership on it which reauthorizes in effect the Secure Our Schools Program, which has been very productive and unfortunately was not reauthorized when it expired.

These measures and the pillars of this program can be summarized very simply:

First, decisions should be made locally about what best fits the community. Those decisions ought to be made by school districts and their boards, parents, teachers, administrators—all who are involved and have the knowledge and expertise and commitment locally, and Washington should not impose its judgment on those communities with a one-size-fits-all set of policies.

Second, school safety ideally should involve a partnership between educators and law enforcement. In many of the schools I visited, I saw the value of school resource officers. More importantly, educators pointed out to me the value of their partnership with local law enforcement through school resource officers who acted not only as security personnel but also as mentors, counselors, and role models, preventing crime, not just stopping it in progress or apprehending criminals afterwards.

Third, schools must be open, supportive, nurturing environments. They cannot be prisons. They cannot be transformed into permanent lockdown. We must commit ourselves to the freedoms and liberties that are embodied in our schools and the educative atmosphere that is so priceless and essential to real education. We cannot solve this problem by simply having more guns in schools, or arming teachers or administrators. Trained school resource officers or others provided with law enforcement support have to be part of a nurturing and open environment.

The act that is before us today embodied in title III is important to move forward school safety, and to embolden, encourage, enable, and empower local decisionmaking.

Today, I want to provide a very short report to my colleagues on what I have learned in my tour; and I encourage my colleagues to do the same around their States because it is genuinely a learning experience. The teaching moment

of this tour changed my perspective on school safety, and certainly reinvigorated my appreciation for what happens in the classrooms and schools of our country with the leadership of our teachers and administrators. We owe them a great debt of gratitude.

The issue of safe and secure schools certainly raised its head last week in the town of Greenwich, CT, when reports of a gunman put Greenwich High School in a lockdown. Thankfully, the suspect was apprehended, unarmed, with no casualties. The fact that a lockdown was even necessary underscores that we have made great strides; but our young people will not be safe in schools unless we know all of the best practices and implement them. This threat proved empty, but it offered a learning experience in terms of the training, the locking and unlocking procedures for school doors, the types of issues that can be addressed through better and more regular coordination with local police and others who can provide that kind of guidance.

Over the past 3 weeks, the schools I visited were large and small, in widely varying parts of our State: Manchester High School, Kelly Middle School in Norwich, Middletown's Snow Elementary School, New Britain High School, West Bristol K-8 School, the Gilbert School in Winsted's High School, Northwestern Region 7 High School, Waterbury's West Side Middle School, Ross Woodward Magnet School, and Shelton Intermediate School. In every one of them, I saw different ways of dealing with school safety, and also aspiration for even better procedures and equipment—locks, lighting, alarms, cameras—but also training for teachers, and more school resource officers. I believe one of the most important pillars of this program has to be Federal resources that meet those local needs without imposing a one-size-fits-all policy. These schools are in widely different areas in terms of geography and demographics, the size of the communities they serve, the size of the schools, the qualifications of their staff and their training. That is why this program has to be individualized in terms of how it meets these needs and, again, empower and enable local decisionmaking.

The Secure Our Schools grant program has impacted Connecticut very positively. The program has a direct and tangible impact on schools in Stamford, for example, where the problem of gang violence was addressed, and in other schools around the State such as Hartford, where the grant was used for the purchase of an outdoor intercom station, as well as locks and card readers to control access to school.

The Secure Our Schools Program was a success story, and this act now will not only reauthorize but strengthen the Secure Our Schools Program.

To give some examples: In Manchester, the swipe card entry program not only provides for better security



but better attendance tracking. The Iling Middle School in Manchester is considering that system, but the installation costs run about \$50,000—a small price to pay for greater security that the card system provides. In general, I found security was not only cost effective, it was minimal in its cost compared to many other programs we are potentially taking to improve school safety.

When I went to see Kelly Middle School in Norwich, I had to buzz in on an intercom and announce myself. That was true of many other schools as well. A Senate pin may allow us access to the floor of the Senate without passing through security, but it doesn't get you into Kelly Middle School, nor should it. They have a simple, practical system. If you are visiting during school hours, you buzz in and announce yourself, and then they decide whether that individual can enter through another set of locked doors. The double locks are a system that some schools are considering implementing. It is a sensible policy that is enabled by an intercom system and a camera—again, minimal in cost compared to many other infrastructure programs we may be considering this year.

In Middletown, I visited Snow Elementary School. Principal James Gaudreau demonstrated how their doors are locked. When a person is buzzed in, video cameras record and archive who is entering. Some schools have archiving systems, others do not. Law enforcement knows that archiving is important. As Chief William McKenna and Mayor Dan Drew told me, these systems are planning that was undertaken even before Sandy Hook. School systems, boards, administrators, and teachers were aware of security before Sandy Hook, but their awareness has been enhanced and they are planning to devote additional resources to this issue. Both Mayor Drew and Chief McKenna extolled the virtues of the three school resource officers, and they are looking for additional resources to create afterschool programs and other measures to enhance that partnership and cooperation between police and students, and teachers, educators, and law enforcement can collaborate.

Visiting New Britain was very important on this tour.

When I went to New Britain High School with Mayor Tim O'Brien and school superintendent Kelt Cooper, I saw there the requirement that any visitor is automatically run through a database check—the sex offender database check. Using the driver's license they were able to run that kind of check virtually instantaneously. They also have, in that single high school, 150 cameras to know what is going on in that school minute to minute and with direct links to the police headquarters so that any kind of emergency is immediately apparent to law enforcement. The school is going to install discrete panic buttons, allowing for rapid alerts to be sent to law en-

forcement, a belt-and-suspenders approach that many schools are implementing.

At Sandy Hook we know that Adam Lanza ended his massacre and took his own life when law enforcement arrived. So the presence of law enforcement can often have a powerful deterrent effect. The knowledge that apprehension will be swift, that killing will be stopped, is a huge deterrent.

At West Bristol K-8 School, Tim Callahan, who is the school project manager there, pointed out to me how a parent dropoff was configured with visual straight lines. Again, design and architecture is important to security so that out in the parking areas there are virtually no blind spots. They have integrated security features into this building while it was constructed. West Bristol also requires visitors to buzz in through the main office when they go through the main building. With grant funds made available under this legislation, this school could install locks on a second set of doors, slowing down potential intruders. We know in these dangerous emergency situations that time is critical. Slowing down a killer, stopping an invader at a second locked door, can gain time for law enforcement to respond and save lives.

Adam Lanza killed 26 people, 20 beautiful children and 6 great educators, in 5 minutes with 154 bullets. If he had been stopped earlier, if a second set of doors had alerted police, if a buzzer had been available of the most immediate kind available elsewhere, the consequences might have been different. There were alerts to the police. They responded virtually immediately. Their response was heroic and profoundly significant to saving even more lives. But we know that time is of the essence in these situations and that is why double locks, buzzer systems, identification, additional checks—all can be important.

The chief operating officer in New Haven Public Schools, Will Clark, told me about that kind of buzzer system there and in Winsted. School officials, including the regional school district school superintendent, Judith Palmer, and the high school principal, Candy Perez, are working hard to improve its security system. But infrastructure there, as they told me, is a continuing challenge. Winsted Board of Education member, Mimi Valyo, told me, "We do not even have wifi."

In 2013 we are in a wireless age, and the next generation of security systems may rely on Wi-Fi or smartphones. We need to make sure schools like Winsted have the resources they need to address the security needs of the 21st century with the technology of the 21st century. School security is too important to be allowed to lag.

I thank all of the educators who educated me, who shared with me their stories of progress, their goals for the future, their hopes that we can improve our schools and make them safer. If we make our schools safe, we make

our children safer, and we make America safer. I am hopeful—more optimistic than ever in light of the vote we took last week—that we are making progress and that we will have positive votes in the days ahead, votes that fully fulfill our obligation to stop the plague of gun violence.

Again, I thank my colleagues for their courageous votes last week and urge them to move forward this week in the same way.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, last week Senator TOOMEY, my dear friend from Pennsylvania, and I introduced this important piece of bipartisan legislation with our colleagues Senator KIRK and Senator SCHUMER. It is called the Public Safety and Second Amendment Rights Protection Act because that is what it does.

This bill protects the safety of the public and our constitutional right to bear arms. Since we introduced the bill, there has been a lot of misinformation about this legislation. I wish to set the record straight with hard facts about our proposal and what it will do and what it will not do.

I think people need to understand how guns first get into their life, which is through a commercial sale of some sort. We are not talking about creating any new laws; we are making the laws we have uniform.

First of all, today we have on the books FFL—Federal firearms licensed—dealers, and there are approximately 55,000 throughout the United States of America. We all have one close to us in our neighborhood. These are friends of mine and people I know. If a person goes to a licensed dealer today and purchases a gun, they are required to do a criminal background check. The background check is basically to see if that person is able to have a gun. That licensed dealer puts that record of the background check they did, and only he or she, as a licensed dealer, can keep it.

It is against the law to form some type of registry. The paranoia of those who say someone will know where my guns are and people can take them away cannot happen. In our bill, we double down to make sure it doesn't happen by making it a felony with a 15-year imprisonment, so that myth is gone.

The second way to buy a gun is at a gun show. If a person goes to a gun show and that same FFL dealer—if that person went to their store, he or she would go through a background



check. If a person goes to a gun show and buys from a dealer there, he or she would still have to go through a background check under current law. If that person goes to the next table, he or she can buy whatever they want and nobody is checking, and that is what we are going to stop.

Let's say I want to buy a gun through the Internet from Senator TOOMEY in Pennsylvania and I am in West Virginia. I see he has a gun for sale, and I want to buy that gun. As the law is stated today, as far as buying interstate—from West Virginia to Pennsylvania—Mr. TOOMEY would have to send that firearm to a licensed dealer in West Virginia, and I would have to have a background check done before I can take possession of that gun.

We are not creating new law. All we are saying is if a person goes to a gun show, there will be a background check for all guns that are sold at the gun show. If a person buys through the Internet, there will be a background check whether it is instate or out of State. This is not a universal background check. This is basically a criminal and mental background check and that criminal and mental background check has to show that person has been found guilty by a court that he or she is a criminal or criminally insane and not allowed to buy a gun and that is all.

So what everybody is hearing with all this talk is just falsehood. If a person is a law-abiding, proud gun owner, such as myself, and likes shooting and going out in the woods with friends and family, we do not infringe in any way, shape or form on individual transfer.

For those transactions which are not commercial transactions—for example, in West Virginia usually your grandfather or uncle or somebody gets you your first gun. There are some people who never bought a gun but have a collection of guns that was handed down to them by their family. Those people will still be able to have that type of transaction. That is not interfered with. A person can sell a gun to their neighbor without any interference. A person can put a note on the bulletin board in their church and say: I have a gun I would like to sell and sell it to a church member.

So if anyone says we are infringing on somebody's right, we are not. As we worked on the bill, we basically looked at the gun culture in America, who we are, how we become who we are, and that is what we took into consideration.

I, for one, as a gun owner and a person who enjoys hunting and shooting and all the things and camaraderie which that brings, I feel sometimes I am looked upon in an objectionable way because I enjoy that. I am a law-abiding citizen and my second amendment right gives me that right. I want to make sure that right is protected. I also have a responsibility to do the right thing, and that is why we are here.

If we are looking for ways to keep our citizens safe from mass violence, then shouldn't we look at the culture of mass violence? I have gone around to the schools in West Virginia and talked to some of the students.

We can talk to our young pages, the brightest and best of what we have. They have probably become desensitized compared to what the Presiding Officer and I would have seen in our generation. If we saw what they do in a movie—and we didn't have the Internet back then, so we didn't have anything to compare to it.

If we are going to talk about banning somebody's weapon, such as a hand-me-down gun, if you will, don't you think we ought to have people with expertise who can tell what the gun does to make sure it isn't just something that might look fancy but doesn't perform any better than a deer rifle? The Commission on Mass Violence is part of this bill. Basically, we are going to have people who have gun expertise, people who have mental illness expertise.

I have gone to the schools and talked to teachers in kindergarten, first grade, and second grade. They are saying: Wait a minute. We have no help. We have identified kids who are challenged mentally or come from a home that is unstable and not getting proper support, and we have nothing to do to help them. As a society, I believe we have a responsibility, so we are going to have that Commission with guns and mental illness expertise.

How about school safety expertise? We had the horrific situation in Newtown. That gentleman got in that school, not because he had a key or because the door was unlocked, he got in that school because he was able to shoot the glass out of the front door and stick his arm in, hit the safety bar and let himself in.

I have been a Governor for 6 years in the State of West Virginia. We built a lot of schools, and we remodeled a lot of schools. Not once did an architect come to me and say: Governor, if we are going to build these schools, we need all these safety devices so a person cannot get into the school.

They told me about the lockdown for each room so a person would need to have a safety code to get into a room. Not one time was I told we should have bulletproof glass on every first floor window. Not one time was that ever brought up to me. We need people who have school safety expertise.

There is video violence. Talk to the children and youth of today. If you have not gotten on the Internet lately and flipped to video violence, you should do it. It will amaze you. What you see will absolutely scare you. They are exposed to horrific things, which I can never imagine from my childhood. Don't you think we should have the people who are the first defenders of the first amendment come and talk to us about how we can change the culture of violence in our society? That is what we are talking about.

I have heard a lot of my colleagues on different talk shows saying they didn't like this or we should be doing that. My good friend Senator PAT TOOMEY and I are going to go through this bill and explain what it does and what it doesn't do and how we can move the ball forward by keeping society safe, treating law-abiding gun owners with the respect they should have and make sure criminals or the mentally insane who have been found to be so by court cannot buy a gun.

So if someone is a law-abiding gun owner, they are going to like this bill. If someone is a believer in the second amendment right of Americans to bear arms, they are going to like this bill. If someone is a defender of the rights of our military veterans, they are definitely going to like this bill. If someone is looking for ways to keep our citizens safe from mass violence, especially our precious children, they are going to like this bill. For those criminals or persons who have been declared mentally insane by the courts, they are not going to like this bill, and that is exactly what we have tried to do.

I want to go through much of this, but I want to give my friend Senator PAT TOOMEY an opportunity. I appreciate his input so much. We are sister States, West Virginia and Pennsylvania—especially western Pennsylvania. My family and I grew up in Farmington and Fairmont and northern West Virginia, which is an hour and a half below Pennsylvania. We have the same slangs and sayings. We say “you’ns” instead of you all or you. Pat and I understand each other.

I would like Senator TOOMEY to explain the part that is so near and dear to him as well as to me.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### TRAGEDY AT THE BOSTON MARATHON

Mr. TOOMEY. Mr. President, I wish to begin by actually taking a moment to inform the Members of this body and people who may be listening, if you were not aware, it appears that a tragedy has struck at the Boston Marathon and bombs have gone off and there are injuries that we know of, casualties, the severity of which we do not yet know. We hope and pray there are no fatalities. Apparently, according to the news reports I have seen, it is too soon to know that with certainty.

I know my good friend from West Virginia joins me in having our thoughts and prayers go out to the victims and their families of the very disturbing news we have just learned this afternoon.

#### GUN SAFETY

Mr. TOOMEY. I cannot tell you how much I appreciate the Senator from West Virginia. The work we have done together has been challenging and constructive. I think we have come to a

very sensible legislative product—something I can be proud of. I want to thank Senator KIRK for the work he did on this from way back, and Senator SCHUMER's contribution to this process as well.

I wish to start, if I could, with some thoughts about the second amendment and what it means to me and why I think a proper understanding is so important in this discussion.

Sometimes it is useful to go to the source, and so, as a reminder—not that we are not familiar with it—I am going to read from my pocket version of the Constitution the second amendment to the Constitution, which simply says:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Today, we often think that the second amendment is about sportsmen, it is about hunting. That is an important part of it. But the second amendment is actually much more profound than a protection for hunters. It is more fundamental to our country and who we are as a people.

In my view, the Framers, in writing the second amendment, were recognizing our natural rights, our natural law rights of self-defense and self-preservation. In fact, those rights precede the Constitution. They were acknowledging and recognizing those rights in the Constitution. They did not create them.

I would also suggest that the second amendment is about sovereignty. Who is sovereign in this country? Is it the government? Is it the head of state or is it the people? I think, as we know, this whole great experiment of ours that is America is an exercise in recognizing the sovereignty of the individual people. And a sovereign people, it flows logically, ought to have the right to bear arms, to protect themselves.

Ultimately, our Founders intended the second amendment to be the means by which we would maintain our liberty and prevent tyranny. We often take things for granted in a democratic society in which we get to select our own government and our constitutionally protected rights are respected. But we all know that around the world and in the recent past there have been appalling cases where tyranny has destroyed the rights of relatively free peoples who in many ways have come from societies not terribly dissimilar to ours.

So these are some of the thoughts that occur to me when I think about the second amendment, why it is so important to me. I see it as a very important part of our very identity as a Nation and as a people. It is why it is very important to me personally.

In addition to being a gun owner and someone who has always respected these rights, it has a very important philosophical underpinning for me.

For years, of course, we had many contentious debates. One of the contentious debates we had about the second

amendment for many years probably arose from the first phrase about the “well regulated Militia.” The debate centered around whether this right, this second amendment right—that, obviously, is enshrined in the Constitution—was a collective right that depended on one's membership in a militia or if it were an individual right belonging to individual people.

It was always clear to me this is an individual right. It is clear to me for a variety of reasons, not the least of which is the Founders never recognized the idea of collective rights. For them, it was all about individual rights. But, fortunately, our judicial system put an end to that question when a conservative majority of U.S. Supreme Court Justices reached the Heller decision. In *District of Columbia v. Heller* they made it very clear this is not a collective right, this is not contingent upon membership in a militia. The second amendment is an individual right that applies to individual Americans. And I wholeheartedly agree.

Not too long after that, in the *McDonald et al. v. City of Chicago* decision, the Court went even further in a way in upholding the Heller decision and referencing that. It affirmed that decision, but it went farther and said this second amendment right is so important and so fundamental and so basic that it is binding on States and local governments as well. So not only can the Federal Government not infringe upon second amendment rights, but neither can a State or a local government. So that is a pretty impressive conclusion that our Court has come to in resolving a big part of this contentious debate.

I would pose a question the Court has also addressed, and that is, is this a right that is enjoyed by all of the people of America? In my opinion—and I think this is not controversial—the answer to that question is no. Young children are not expected to be afforded the same second amendment rights as adults. Criminals who have been convicted of crimes have foregone many of their rights, including second amendment rights, by virtue of their conviction of serious crimes. And dangerously mentally ill people are people whom we as a society have every right to protect ourselves from, and so they do not have the same second amendment rights everyone else has.

Now, I would argue, to our Founders this was a given. After all, this was a time when capital punishment was quite common and they fully accepted capital punishment. How perverse and absurd would the idea be that someone who was subject to capital punishment would somehow be able to enjoy second amendment rights? Of course not. It is obvious criminals forego that right.

The Heller decision, the recent Supreme Court decision I referred to, addresses this as well. Justice Scalia observed:

Nothing in our opinion—

That is the Heller opinion affirming the individual right of the second amendment—He says:

Nothing in our opinion should be taken to cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill . . . or laws imposing conditions and qualifications on the commercial sale of arms.

It seems to me that is a very explicit explanation that it is not an infringement on second amendment rights to attempt to keep firearms out of the hands of criminals and mentally ill people.

So if the Founders were in agreement on this, and the Supreme Court is in agreement, and we have laws in all 50 States that make it illegal for certain criminals and mentally ill people to have firearms, the question is: Are we willing to take modest measures to try to achieve this goal that I think we all share and that is clearly consistent with our Constitution?

That is what Senator MANCHIN and Senator KIRK and I are trying to do here today. What we are trying to do is make it a little bit more difficult for the people who are not supposed to have firearms in the first place to obtain them. I think Senator MANCHIN will agree with me there is no panacea here, there is no law anyone could write—certainly not this one—that is ever going to guarantee that a determined criminal will not be able to obtain a weapon one way or another or that maybe even a mentally ill person may not be able to obtain a weapon eventually if they are sufficiently determined. But can't we take a very modest step to make it more difficult, if we can do it in a way that does not infringe on the second amendment rights of law-abiding citizens whose rights we want to defend?

So I think of our bill as doing three broad things. And Senator MANCHIN and I will walk through some of the specifics of how we achieve this. But I would suggest one way to think about it is three categories.

One is, we simply encourage greater compliance with the background check system we have in place now. We are not inventing a new one. We are not inventing new criteria for it. But the fact is, the participation in the background check system by the various States—you see, we rely on the States to provide information about the people who have been adjudicated as mentally dangerous, the people who have been adjudicated as criminals. They have been convicted. The Federal government does not have that information. We rely on the States to provide it. What we do in this bill is create greater incentives for the States to, in fact, participate because the participation varies dramatically.

A second thing we do is expand background checks to gun sales at gun shows and over the Internet. Again, this is not a new system. We are just applying this background check to a category that has not been subject to it, but it is the existing system.

Then the third thing is—and we will talk about this at a little length, I hope—we have a number of measures in this bill that, frankly, I think are overdue and they enhance the opportunity for law-abiding citizens to simply exercise the second amendment rights they ought to be able to exercise.

I think Senator MANCHIN put this very well. If you are a law-abiding citizen who enjoys exercising second amendment rights, you are going to like this bill. It is going to enhance your ability to exercise those rights that you have. If you are a criminal, and you want to get a weapon illegally, you probably are not going to like this bill because it is going to make it a little harder for you to do that. It will also make it harder for someone who is mentally ill.

I am going to yield back for my friend, the Senator from West Virginia. But before I do that, I want to make one simple point about how tangible and how real and how important this can be. I am referring to enhancing compliance with the NICS background check system.

We all remember the Virginia Tech shootings. One of the aspects of this tragedy is that the shooter's ability to obtain a weapon might have been prevented. I say that because the young man, Seung-Hui Cho, had already been adjudicated to be mentally ill, dangerously so, by a Virginia judge. They had discovered this. They had figured this out. They knew this was a very unstable and very dangerous man. But the State of Virginia never passed that information on. So there was no information about this man in the national background check system when who knows whatever demons possessed him to go out and obtain guns so he could wreak the havoc he did. He went and submitted himself to a background check, and he passed with flying colors because the system did not have the data.

One of the things Senator MANCHIN and I are proposing in this legislation is, let's provide greater incentives; and there is a carrot and there is a stick and a cost to States so they will be more in compliance.

Now, I will be clear: If Virginia had provided this information to the system, then this shooter from Virginia Tech would have been denied that day and we do not know what would have happened after that. It is possible he would have found some other way to obtain weapons. But think of all the other things that might have happened. If he had been denied at that moment and he had walked out of that store, who knows what else might have intervened—whether he would have gotten help, whether he would have been stopped some other way. We will never know that. But it seems to me it is a good idea to try to put that block in place, and that is one of the things we would achieve. Our legislation, I think, would go a long way over time to encouraging and, in fact, realizing a

greater compliance on the part of the various States.

Senator MANCHIN may want to elaborate a little bit on how we achieve that, and then I would continue in this discussion with him.

The PRESIDING OFFICER (Mr. KING). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I come from a State where, like most of the rural States in America, there are an awful lot of people who live a solid life. There is a thing back home that we call a person having either common sense or nonsense, and now we think people ought to have a little gun sense. It just makes sense when we think about what we are doing—not infringing on anybody's rights but protecting those rights—by prohibiting those who shouldn't be able to have a firearm through a commercial transaction from getting one.

My good friend Senator TOOMEY was just talking about second amendment rights, which all of us hold near and dear if a person comes from a gun culture State such as ours. With that being said—I just talked about common sense and gun sense—one of the largest progun organizations in the country, the Citizens Committee for the Right to Keep and Bear Arms, which is strictly for the right to protect the second amendment, has come out in total support of this legislation—total support. Do my colleagues know why? Because they read the bill. That is all we are asking. They read the bill.

A lot of our colleagues have been told certain things. We have a lot of friends in different gun organizations who have been told different things. All Senator TOOMEY and I ask is to take the time and read the bill.

We started out working this bill from so many different angles. Everybody had a part in this. What we tried to do was find something that would make a difference.

I want my colleagues to think about this: Most of our colleagues have been visited by those unbelievable families from Newtown. I can't even imagine—I really can't, I still cannot—I know the Presiding Officer probably saw the clips when I lost control of my emotions, but I am a grandfather, I am a father, and I can only imagine what these families are going through.

Let me put my colleagues in that state of mind, of losing a child in such a tragic way. A child goes to school. A parent would never expect that child not to come home from school—one of the most sacred places we have—but it happens. How would my colleagues feel? What state of mind would they be in? Let me tell my colleagues their state of mind. To a person, each one of these family members came in and said: We don't want to take anybody's guns away. We don't want to ban any weapons. We don't want to infringe on people's second amendment right.

On top of that, they said: We really know and realize the bill the Senate is

working on right now would not have saved our beautiful little children. But what we are asking the Senate to do is maybe save another family, just maybe prevent another family from going through what we went through.

We need to think about that. I wish I could be that strong. I said that if 100 of us in this body had 1 ounce of the courage those family members have, oh, my goodness, what a body we would have. If we weren't worried about all of the outside pressure and maybe getting elected, maybe getting the campaign funds it would take for us to go out and get elected, if we worried about basically keeping a gun out of the hands of a criminal in a commercial transaction—a criminal who has gone through a court system and has been found guilty—or out of the hands of a mentally insane person who has gone through a court and found to be unfit, just maybe we could save one life.

Someone says: Well, why would the Senate take this on? I don't know why else we were sent here other than to try to make a difference. The easiest vote I can make while I am a Senator is no. I can vote no on about everything and be fine. I can go home and people won't say: Why did you do that?

I am glad you voted that way because I don't like that either.

Do my colleagues follow me? “No” is the safest vote as a Congressperson or a Senator. I understand that.

It is wonderful, I guess, to have the title of “Senator.” It is a great honor to be in this unbelievable body with these truly magnificent people. I want to make a difference. I want to do something, and I think most of my colleagues do as well.

The only thing I am asking of my colleagues who have been told something or have heard something or have gotten pressured phone calls and letters is to read the bill. Just read it. It is only 49 pages. When have we had something that could change the course of our country and it is only 49 pages long? I have seen bills that were 1,000 pages, 500 pages, amendments that were 300 pages. We have an entire bill that is 49 pages. That is all we have asked for. That is all.

My dear friend Senator TOOMEY and I are going to be on the floor for quite some time. Tomorrow we will probably be joined by our other good friends, Senator KIRK and Senator SCHUMER. Everybody has come together. Senator SCHUMER started with a piece for the bill, and I said: My dear friend CHUCK, I can't support that.

He said: Can I work with you?

I said: I would love for you to work with me.

My dear friend MARK KIRK from Illinois has been steadfast and rock solid. He has been right there.

This is bipartisan. Bipartisan—is it Democratic and Republican? This is America. I don't want to say it is bipartisan. This is America. This is about whether we can make a difference. Can we change something? Can

we have the influence of people who are basically the most unselfish, strongest, bravest people I have ever met, including the families of the Newtown children, to be able to come and say: Listen, I want to protect the rights of law-abiding citizens. I want people to have their rights. I want people to enjoy their guns. I want people to enjoy their hunting trips with their families. I want people to enjoy all the things the second amendment gives us. But I want to protect another family, protect another child, protect another person in America.

That is all we are trying to do.

As we look through the bill, there are so many different things we have talked about. I have heard people say: Oh, my goodness, they are going to start registering, and they are going to give all of those records to some big fancy computer that is going to know exactly where to come and get the gun of the Presiding Officer.

Not only does the law prohibit that today, this bill—when we pass this bill, this law will basically say: If any government agency intends to do that and abuse that record the law-abiding firearm dealer is supposed to keep—and only them—it will not only be a felony, it will entail 15 years of imprisonment. That is why we have these organizations basically joining in after looking at and reading the bill and saying: My goodness, this is really protecting second amendment rights.

So it is an emotional bill. It is an emotional time in our country, but truly it is a time for us to come together. It truly is. There is healing that must go on, and this bill will help that healing.

We want to talk about this, and we are going to go into it detail by detail, step by step.

I thank my good friend Senator PAT TOOMEY from Pennsylvania, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I think it might be useful to discuss some of the specific ways in which this legislation would enhance the compliance and the participation on the part of our 50 States with this existing background check system.

As Senator MANCHIN said—as we both said—we are not creating a new system. We are not creating a new set of rules by which the system operates. What we are simply asking is that since States already have information about people who are criminals and people who are dangerously mentally ill, we want them to put that in the database so we can discover when someone attempts to buy a firearm.

By the way—

Mr. MANCHIN. Mr. President, if my friend will yield, if I may, I would like to mention that we also discussed including an incentive so someone can't say that is an unfunded mandate. That provision is not an unfunded mandate, I say to my colleague.

Mr. TOOMEY. I also wish to mention one of the very typical categories of mental illness we want to capture, and that is people who have been publicly adjudicated. So that would be people who have pleaded not guilty to a crime by reason of insanity. That strikes me as a pretty good definition of somebody who is mentally ill. And someone who is deemed not competent to stand trial by virtue of their mental deficiency would be another category.

But the idea is that we have a series of specific measures that would encourage greater compliance. There is a carrot-and-stick approach. We would authorize some funding. It would have to live within the spending caps we have already agreed to, the overall spending caps, but we authorize funding for grants that States can use to carry out, first of all, an assessment of the extent to which they are or are not currently in compliance. As I said, some States are probably doing virtually all they can and other States are doing almost nothing in terms of providing the information they have to this database system, and they can start with an assessment of that.

We would then ask them to submit a 4-year plan by which they would develop full compliance or as full as they can achieve in 4 years. They work this out with the Attorney General. There will be benchmarks along the way. They would have a series of steps they would take by which they would start to turn over this information they already have about people who are criminals and people who are mentally ill.

If a State refuses to develop such a plan or to achieve the benchmarks they set out in their own plan, then we propose they have a penalty and they would lose some funding. That is the mechanism by which we have an inducement, an incentive for these States. They could lose up to 15 percent of what is known as the Byrne/JAG funding, which is funding Congress annually makes available to States for fighting crime.

So I believe this is a sensible combination of measures to simply encourage States to participate as they should.

If the Senator from West Virginia has anything more to say about the NICS improvement piece of this, I will certainly yield. If not, I want to mention a reason why I feel strongly about expanding the background checks. But at this point I yield for the Senator from West Virginia.

THE PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I thank the good Senator from Pennsylvania. I appreciate that. I think what he said is spot-on. He is basically saying it preserves important exemptions of background checks that are in current law, such as the temporary transfers. That way, for example, a person can lend their hunting rifle. We are hearing all of those misnomers, such as that people can't even lend their hunting rifle to a friend

or a family member. People can do that. We are not preventing that. There are no restrictions in those circumstances. Also under current law are transfers between families, friends, and neighbors, which we have already talked about. That can be done. That is not what we are talking about. Again, it is just common sense.

As I said, the Senator from Pennsylvania, as well as our other colleagues, Senator KIRK and Senator SCHUMER, and I have been talking back and forth about this. This is not a bill written by just Senators. We have had input from the outside. We have included people from all different walks of life. We would then proceed to do a little research to find out if what they suggested made sense and if it had been done and if it hadn't, whether an infringement occurred to a person who has not been able to enjoy their rights as a law-abiding citizen. We did all of that.

I appreciate so much the Senator from Pennsylvania pointing out those issues, and we will talk more about it later.

I yield for the Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, the last point I wish to make is something about the NICS system that I should have mentioned; that is, currently there are States in which someone can be adjudicated as mentally ill, for instance, but that person is left with very few options to challenge that status. That is the current situation. We remedy that. One of the things we require in this bill, in the 4-year plan States have to develop, is that it has to include a program, a mechanism by which a person who feels they have been wrongly designated as someone who can't own a firearm by virtue of their criminal background or their mental health would have an opportunity to challenge that, as they should. There ought to be a process they can go through to challenge that finding so that nobody who doesn't belong on this list ends up on this list.

Let me move on to the background checks at gun shows. I am going to introduce this by reading a letter I received from a constituent yesterday. This happens to be a woman whom I know very well. I have known her for years. She is a conservative Republican, as it happens. She is a second amendment gun owner. Let me read what she wrote:

Hello, Pat. I just had to write after watching your leadership with this very difficult issue. I very much understand what you are doing with the gun show checks and appreciate your dealing with this. This issue is very personal to me and if you will indulge me, I will tell you.

She goes on to say:

I'm a very strong supporter of the second amendment. I'm the gun owner in my house. I do shoot. My father very proudly passed down his Remington 1100 to me several years before he passed away. He presented it to me with great pride. I accepted it as a very special moment between us. Meanwhile, Pat, I

have an adopted daughter who has had emotional troubles her entire life. Much of our journey with her has been difficult and it continues to this day. My daughter has been involuntarily committed twice, and I unfortunately believe that it won't be the last time, as she refuses to get proper treatment. I was the one who had to sign her paperwork the first time. And it was made clear to me that I would be taking away her right to own a gun. I knew that we had no choice but to try and get her some help. But my hands shook and I had to pause quite a long time over that document, because I so strongly believe in our second amendment rights. Nevertheless, I signed it and I would do it again today.

At various times, people have been concerned for our safety with the volatile nature of my daughter's problems. The idea that she would be able to purchase a weapon openly in a public venue is not acceptable. I do not believe that she actually would, but I don't find any comfort in the fact that she could have an avenue if she so chose. Once again, I cannot emphasize the importance of the second amendment to me enough. Pat, I thank you for your efforts in D.C. and bless you for all that you're doing. Be well and be strong.

I think that says a lot about what we are trying to accomplish. Here we have a passionate supporter of the second amendment, a gun owner, someone who has always been a believer in the second amendment. For reasons that she has explained very personally, very important reasons, she does not want her daughter to be able to go into a gun show and buy a firearm without so much as a background check.

Since the mom has the recognition of her daughter's problems, if the information is provided and if that State complies—in this case it is my State of Pennsylvania—with this background check system, then someone in the circumstances of her daughter attempting to buy a weapon at a gun show would be denied.

I think that is the outcome we all want. It is certainly the outcome her own mother wants, who loves her dearly and loves the second amendment.

I would yield back to the Senator from West Virginia.

Mr. MANCHIN. Mr. President, I think we all have letters such as Senator TOOMEY read right now and people looking for what we call gun sense, which goes right along with common sense. There is so much out there about the bill. Let me just reiterate a couple of things the bill does not do.

What the bill will not do: The bill will not in any way, shape, or form infringe upon anyone's second amendment right to keep and bear arms. In fact, it strengthens that, as Senator TOOMEY has so eloquently described.

The bill will not take away anyone's guns. Nobody will have their guns taken away. The bill will not ban any type of a firearm. It is not even in the bill. We are not banning anything. The bill will not ban or restrict the use of any kind of bullet or any size of clip. It is not in this legislation.

The bill will not create a national registry, which we just spoke about. In fact, it explicitly prohibits that, which

would give the penalties of a felony and a 15-year sentence. As we talk about this bill, we are asking our colleagues to come down and bring their questions, concerns, or what they believe and what they have seen in talking to their constituents.

Right now I am very pleased to have with me a colleague of mine from the Big Sky State of Montana. He comes from gun culture like myself and Senator TOOMEY. I yield to the Senator from Montana.

Mr. TESTER. Mr. President, I would like to thank the Senators from West Virginia and Pennsylvania. I rise to talk about the Toomey-Manchin amendment, knowing this is not an end-all when it comes to violence in America.

We have to do some things that revolve around mental health, mental illness, how we treat that, how we move forward in ways that make sense for folks who believe strongly in the second amendment, but also believe in how we make our communities safer. So whether it is the Toomey-Manchin amendment or whether it is some other amendment that may come up during this debate, or whether it is an amendment that deals with mental health and how we treat it and how we get professionals out there on the ground, this is a very important issue for folks in this country.

The second amendment is very important. I now want to give a little bit of background, which most of the Senators know. I come from a farming background. My grandparents came to our farm a little over 100 years ago. When my folks took the place over, my dad set up a custom butcher shop. For 20 years my wife Sharla and I ran that custom butcher shop. That means every morning, literally every morning, I would get up and we would go knock down a beef or a pork with a gun.

I literally made a good portion of my living on the farm with a gun. It was a tool. It was a way that kept us on the farm. It was a way that kept our farm economically viable. But you do not have to be a butcher to know the value of a gun. In Montana, we have sports men and women who literally start hunting at a very early age and know how to handle a gun. They know responsible gun ownership when they see it. They know irresponsible gun ownership when they see that too.

Right now, anybody can go out and buy a gun. In some States where the national instant crime background check is not very good, literally anybody, whether they have a criminal record or history of violent mental illness, can go out and buy a gun. I think what we are trying to do, what Senators MANCHIN and TOOMEY are trying to do with this amendment is to make the second amendment stronger for the people who are law-abiding gun owners but yet trying to keep guns out of the hands of folks who cannot handle them in a responsible way, and have a record of that—a court-adjudicated record.

As we move forward and talk about the things this bill does positively and negatively, I want to tell you, I have read it forwards and backwards. I have talked to folks. I can tell you this makes my second amendment rights stronger. For that I thank you.

Here is how it does it: My second amendment rights are only put at risk by people who use guns in an improper way. This bipartisan agreement makes sure we protect that second amendment for responsible gun owners, not just in a willy-nilly way, by the way. This clearly defines what irresponsible gun ownership is. It fixes the underlying bill that, quite frankly, I moved to move forward on. But without this amendment I could not support it.

It does some positive things like lets gun dealers sell firearms across State lines at gun shows. That is new. It improves the process by which someone can get their rights restored. This is a big one for me. We have veterans returning from Iran and Afghanistan, by the way, who need treatment, can go get treatment. This bill does not impact them whatsoever.

On the other hand, if somebody has a serious problem, gets put on a list, they have the ability through this law to be able to get off that list once they prove they can handle that gun ownership responsibly. There has been a lot of talk about gun registries. This bill prohibits it from the Department of Justice. The way the world is right now I think it is fair to say nothing changes: No gun registry now. No gun registry after this amendment is passed. In fact, this strictly prohibits it when it comes to the Department of Justice.

There are protections in here for veterans to make sure they are treated fairly by the system. I serve on the Veterans' Affairs Committee. Montana has the second most per capita number of veterans in the country. It is important—it was true in Vietnam, but especially with Iraq and Afghanistan—that these folks are able to get the treatment they need without impacting their second amendment rights. I think we are clear on that. It does not impact them in a negative way.

If you want to give a gun to your son or daughter or you want to sell it to your neighbors or friends, there is no background check required. Active military can buy a gun in their home State or the station where they are, not just their duty station. It allows for a concealed carry permit to be used in lieu of a background check. But the bottom line is it does not impact my second amendment rights whatsoever.

I was on the tractor this weekend seeding a few peas and a little bit of barley. On the radio came a show called "Tradio," where if you have something you want to sell, you put it on the radio. One of the things that was being sold was a .308 rifle. Under this bill, if I put a .308 rifle on the radio, and PATRICK TOOMEY calls me and says he wants to buy that gun, I

can. PATRICK TOOMEY is a friend of mine. We can sell it; no background check.

But if someone I do not know calls, then we whip down to the local store, do a quick background check, which takes—well, I will ask Senator MANCHIN from West Virginia. How long does a background check typically take on an individual buying a gun?

Mr. MANCHIN. I would say that more than 90 percent of the background checks in America that are done are less than 3 minutes, and probably even no more than a minute and a half. So in that range. That tells you about how quick it can be done.

Mr. TESTER. Exactly. So you zip down to the local gun store, wherever it might be in your town, do the background check. Then you do not have to worry about if, in fact, that person has a criminal past or is severely, violently mentally ill. It will be there. There is also language in this bill that if a State is not putting information in the National Instant Criminal Background Check System, money is pulled back.

In the State of Montana, I believe it is about 10 percent. In the State of Montana, that is serious dollars. It is well over \$100,000 to be pulled back.

Would the Senator from West Virginia like to talk about the thinking that went into that and how this could impact the background checks?

Mr. MANCHIN. All of the Members who worked on the bill, Senators TOOMEY, KIRK, and SCHUMER, all of us got together on that. There had to be—basically, one of our largest gun organizations brought us to task saying: We supported background checks 10 or more years ago. It just did not work.

You know what. They were right. So we said: Fine. Do you throw the baby out with the bathwater or do you change the water and make it a little bit better?

So we went back and looked at it. We said: Fine. We did not want any unfunded mandates. We put \$100 million a year for 4 years for the States to have grants to get them up and running to where they should be. So there is an incentive. We also said: If you do not do your job and you do not turn your records over of your adjudicated criminals or mental illness records, then 10 percent the first year, 11 percent—then I think it goes to 13 and up to 15. That is off of the Byrne/JAG money. Every State depends on that Byrne/JAG money. That is serious. No one else has ever put that in there.

You know what. That concern came from the gun organizations right now, one of them who is not supporting it and should be.

Mr. TESTER. Well, the bottom line is, I think this puts into effect real incentives to keep this National Instant Criminal Background Check System database up to snuff.

There is also a Commission on Mass Violence in this bill, which I think is good policy as we move forward, as we find almost on a daily basis some inci-

dent which has happened and is unacceptable.

The bottom line—and I know the Senator has talked about this a lot during the presentation of his bill. He has spoken about something called common sense. This would ensure when we do a background check it actually is a background check. This bill will not solve all the violence problems in this country, not even close. Is it a step in the right direction while protecting my second amendment rights? Yes, it is.

Does it take away my guns? Does it stop my ability to go out and buy any guns I could buy today? No, it does not.

Does it have any impact on things like assault rifles or big, large magazine clips? No, it does not.

What it does is once the National Instant Criminal Background Check System is up to snuff, it will contain people who have a history of violence who used guns improperly. It will prevent people who are violently mentally ill from going out there and purchasing a gun.

If we are able to work together in a bipartisan way, as the Senator from West Virginia and the Senator from Pennsylvania have done, hopefully, we may move forward with some issues and policies which deal with mental health in this country, an issue we have not dealt with well as a society, or the stigma associated with it. If we can do this there are other amendments we may potentially put on this bill as we move forward.

If the amendments have common-sense backing and protect the second amendment, we should take a hard look at them and have a debate on those also. The bottom line is I want my second amendment rights protected. I want law-abiding citizens in this country to be able to continue to purchase firearms. I want my kids to be able to do that, my grandkids to be able to do that. I think this bill ensures that. I thank the sponsors for their hard work.

I yield for the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I wish to thank my good friend, the Senator from Montana. I know how many calls he has received and the pressure. I know this because of all of the misconceptions and untruths. He did something we are asking all of our colleagues to do. He read the bill and found out for himself this bill does exactly what we have been trying to do for a long time: most importantly, protect the innocent and our people by keeping guns away from people and children who shouldn't have them. He read the bill. This is all we have asked for.

I yield for my friend from Pennsylvania, Senator TOOMEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. The Senator makes a point which may seem basic. This bill

has been available online since Thursday night. It is available now and in every detail. It is available in summary form and available in any way people choose to look at it.

The Citizens Committee for the Right to Keep and Bear Arms, one of the pro second amendment rights groups which endorses this bill, states:

If you read the Manchin-Toomey substitute amendment, you can see all the advances for our cause, that it contains.

This "cause" refers to defense of the second amendment, which it contains.

The bottom line is, as the Senator from Montana pointed out, our amendment isn't gun control. This is very clear, and I think it is an important contrast. There are other Members of this body who are not happy with this bill because they want active, aggressive gun control. For instance, they want to ban various categories of weapons. They wish to ban various categories of ammunition. They would like to ban various kinds of waiting periods and put other restrictions on law-abiding citizens. This is gun control. Restricting the freedom of law-abiding citizens who have never done anything to harm anyone and restricting their second amendment rights is gun control. I disagree with it. I oppose it. I will oppose every such amendment which comes before this body.

Trying to keep guns out of the hands of people who aren't legally entitled to have them—dangerous people, be they criminals or dangerously mentally ill people—that is not gun control; this is common sense.

As I started off my comments, there is no dispute this is not an infringement on the second amendment. Our Founders didn't think so. Our Supreme Court Justices didn't think so. The laws in 50 States don't maintain this. It is common sense.

I wish to point out another difference in the approach Senator MANCHIN and I have taken versus some others in this body have taken. Others have said let's make a universal background check, and then we will think about who to make an exception for. Then they carve out very narrow categories.

One of the problems with that, in my view, is we will not imagine every sort of set of circumstances we ought to carve out. We took a different approach. We said private transactions generally don't need to be subject to this. I am not going to try to imagine every conceivable private transaction. We said let's have background checks on commercial transactions. This is where the big volume of commercial transactions occur and where strangers are buying and selling guns from each other. This is why we require the background check at gun shows, and we require the background check on Internet sales.

The private transaction, whether it is with a family member, friends, neighbors or colleagues, if it doesn't happen at a gun show and doesn't happen over the Internet, it is not subject



to the background check. We thought that would be an unnecessary burden on people who know each other.

Let me just run through quickly some of the ways in which this legislation strengthens the ability of law-abiding citizens to exercise their second amendment rights. I will do this briefly. The Senator from Montana touched on some of these. I ought to start off underscoring something the Senator from West Virginia mentioned earlier.

Not only will this not in any way contribute to any kind of national registry, it is explicitly forbidden. Anybody in the Federal Government who did try to create a Federal registry would become a felon and subject to 15 years in prison. This is point No. 1.

One of the problems we have heard from our constituents who are gun enthusiasts, which we were able to address in this legislation, is clarifying and fixing interstate travel laws such as for sportsmen who are traveling long distances. Unfortunately, it happens too frequently when a sportsman is traveling from one State to another State, perhaps on a hunting trip or going home for Christmas and wishes to give a relative a gun for a present. He is perfectly, lawfully entitled to own this gun. He is following the rules and regulations in his State. He packs the gun appropriately in his vehicle. As he is traveling through another State, he discovers he is not in compliance with the other State.

People have gotten themselves into trouble. They have not done anything to harm anybody, they are just traveling into a State which has a whole different regime and doesn't respect the regime of the other State.

We fixed that by clarifying in the legislation if a person is transiting through a State and in compliance with the laws of their home State, they are OK. We permit interstate handgun sales from dealers. We provide—and this is very important; the Senator from Montana mentioned this—a legal process for restoring veterans second amendment rights.

We have a problem in this country right now for veterans. They come back after serving this country, risking their lives, often sustaining injuries, sustaining trauma. They can go to the VA and have a social worker decide they are not able to handle their personal financial matters. This alone puts them on the registry, disqualifies them from being able to own a firearm legally and be able to purchase one.

I think this is outrageous, frankly. This is currently happening every day to veterans. We deal with that. We change the system. Under our legislation, this couldn't happen. Before anybody at the VA could designate a veteran as somebody who can't own a firearm, first they would need to inform the veteran 30 days in advance to give the veteran an opportunity to challenge the status. This is only fair. We owe that to those men and women who

have given so much to us. This is in our bill.

We also have a policy today where the law of the land forbids an Active-Duty military person from buying a gun in his home State. I don't know whose idea this was. It doesn't make any sense to me. This is the law. We repeal the policy in this bill to enable a man or woman serving in uniform in this country to buy a firearm in their home State. We also allow a person who has a concealed carry permit to use the permit as the mechanism by which they are approved for a gun sale. This stands to reason. The concealed carry permit process is itself a very cumbersome and onerous process. In many cases it is very thorough and very expensive. If someone passes that they should be fine. We have it in this bill as well.

I wish to underscore that these are the reasons two of the leading pro second amendment groups have endorsed this bill. It enhances the opportunity of law-abiding citizens to exercise their second amendment rights. If someone is a criminal or mentally unqualified to have a firearm, they are not going to like this bill.

As I said at the beginning, I feel very strongly about this. It is not gun control to try to keep guns out of the hands of people who are not qualified to have them.

I, again, wish to thank the Senator from West Virginia, my friend. I appreciate the hard work he has put into this. I appreciate the chance to share these thoughts and work with him. We will welcome any questions, comments, ideas or suggestions from our colleagues as we wrestle with this bill in the coming days and, hopefully, have a vote soon which will be successful on this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I wish to thank Senator TOOMEY for his hard work, to be involved, informed, and to bring his expertise to the discussion we have had with our colleagues.

As he has been speaking we have been joined by our good friend Senator TESTER from Montana. Those of us who come from a gun culture State can put some of these myths to the side, if you will, and allow the facts to come out.

I think the most important thing about speaking today for a while is that we are not creating new law, we are improving old law. This is what we were sent here to do.

My father used to say the only thing that is new in this world is a pair of eyes. Everything else has been pretty much an improvement of what someone else has done. This is what we are trying to do. We are improving on a system which needed to be improved.

We spoke about the veterans, as Senator TOOMEY has. I didn't know how veterans were treated when they came home. We are in a war which has lasted longer than 12 years and counting. There are hundreds of thousands of

men and women who have put their lives on the line for us and come back with challenges. If they have been affected by this war, they are almost afraid to be evaluated because if they are not evaluated in a positive way, they could be discriminated against.

I think that is wrong unless in a process and procedure they are found to not be competent. We have 150,000 who perhaps were not notified of their rights. We need to make sure they have the appeal process available to them. When this legislation passes, every veteran coming back going through a court proceeding can say: Wait a minute. I went through a field process, and I think your evaluation is wrong.

We can't put them in a system they need to work the rest of their lives to undo. I think we owe that to our great veterans in this country. Again, it comes down to simply reading the bill, not making up things, and listening to organizations that may be using this fear tactic as a campaign to raise funds, finances, and money. I don't like to say that. I am a proud member of organizations. They do a lot of good and informing and teaching safety to young children. We do a lot of things.

I had the benefit of growing up in a town with a sportsmen's club called the Farmington Sportsmen's Club. My father was not a big sportsman, but he wanted me to be involved. He worked a lot and didn't have time. These people took me under their wing at a very young time and taught me to respect and to use firearms safely. They taught me to be totally responsible, such as when I should put a shell in the gun, when I should not put in a shell, when I should have it in my case. Also, they taught me when I should carry it in the woods and when I cross the fence the gun should be unloaded.

All of us have heard of horrific accidents. These are just little things. They ingrained this into me. A lot of these organizations do good deeds. When they put misinformation out, they do a disservice to law-abiding gun owners and the people who respect the right the second amendment provides. Senator TOOMEY has eloquently spoken about this, as well as Senator TESTER.

This is going to continue for some time, I am understanding, and we are going to be talking, Senator TOOMEY and I. We will be joined by other colleagues—Senators KIRK, SCHUMER, and TESTER—and we are inviting all of our colleagues to come down. If you have heard something from a constituent or from an organization, come down and talk to us about it. We will show you in the bill that it doesn't do what they have said.

The biggest thing we have heard is about the registration. It doesn't do that. Not only does it not do it, it even protects you more than you are protected today by law. We improve upon it. It doesn't take anybody's guns away. I think Senator TOOMEY talked about basically there are things he wouldn't vote for, nor would I. But



guess what. That is not in this bill. There will be other bills, other amendments, that all colleagues will have a chance to either support, if they are for more gun support, or oppose.

What we are saying is, this is one piece of legislation we know will make a difference by keeping guns out of the hands of those who have been adjudicated through a mental court system or a criminal court system. And we know about commercial transactions—people have used all different types of figures as to how many guns basically are transferred at a gun show or online. With the expansion of the Internet there are going to be more and more. All we are saying is that is the least personal of all transactions—on the Internet. I might not know you, Mr. President, but up in your beautiful State of Maine I may see something you have that I would like, and with the technology of this modern world today to make contact, hopefully, I would be able to purchase that. That is something I could never have done 20, 30, or 40 years ago. But I want to make sure also that gun is sent to a licensed dealer who depends on his livelihood by abiding by the law and making sure a background check is done on me before I can purchase or pick up that gun I bought from you. That only makes common sense.

I have heard a lot of things such as: Well, they can be charging a lot. Fees can be charged. We allow the person who is going to be doing that service for you to charge a fee. Let me tell you, as a businessperson, every one of us in business, especially retailers, knows exactly the value of every customer who walks through a door. You might say: Well, they are just shopping. My grandfather says: There is no such thing as a shopper. They are all buyers. They just don't know it yet. They are going to buy something. They walk through the store and they have a value. And if they have a value, you know what is going to happen? You are going to see people advertising: Please come and let us do your background check free for you. That is a service we want to give you. We want you to be right and make sure the right person gets it. And guess what. They might be buying something else. They might buy new boots or some camouflage gear for their son or buy their daughter a new outfit.

That is marketing. That is business. That is what it is all about. So don't let the naysayers say: Oh no, too much of a burden. Trust me, the markets have a unique ability to correct themselves and take advantage of a situation. As a retailer, when a customer—a buyer, not a shopper—comes through the door, we will sell them something. I know that.

So we are going to be happy to talk about this bill for a few days here. We want to invite all our colleagues down. We will be announcing the times we will be coming to the floor. In the meantime, to all of my colleagues, to

all who have been hearing all of these things and getting excited about we are going to do something to take your guns away or take your rights away or register you, that is false. That is a baldfaced falsehood. All we are saying is go online and read the bill. It is only 49 pages. We have even broken it down for you. If colleagues will do that, and bring those conversations to the floor, that is all we can ask. The facts will set you free. The facts will set you free.

We have worked hard. Our staffs have worked exceedingly hard. And I appreciate everybody—my good friend Senator TOOMEY, my good friend Senator TESTER, and the other Senators; Senator KIRK from Illinois and Senator SCHUMER from New York—who has worked so hard to find a balance. It takes us all, from the right and the left, from both sides of the aisle—Republicans, Democrats, and Independents—to work together to make this an American bill. It is not just bipartisan, it is for our country. It is to save children, it is to keep our society safe, and also to protect the rights of law-abiding citizens and law-abiding gun owners such as myself and the Presiding Officer.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF BEVERLY REID O'CONNELL TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Beverly Reid O'Connell, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, since the American people first elected President Obama, Senate Republicans have been engaged in a concerted effort to filibuster, obstruct and delay his mod-

erate judicial nominees. They have already, during the last 4 years, filibustered more of President Obama's moderate judicial nominees than were filibustered during President Bush's entire 8 years—67 percent more, in fact—and there is no dispute that President Bush was engaged in an effort to pack the courts with ideological extremists.

In connection with the wrongheaded filibuster of the nomination of Caitlin Halligan, an outstanding nominee to the DC Circuit, I urged them to abandon their misguided efforts that sacrifice outstanding judges for purposes of partisan payback. Regrettably, their response seems to be to expand their efforts through a "wholesale filibuster" of nominations to the DC Circuit and a legislative proposal to strip three judgeships from the DC Circuit.

I am tempted to suggest that they amend their bill to make it effective whenever the next Republican President is elected. I say that to point out that they had no concerns with supporting President Bush's four Senate-confirmed nominees to the DC Circuit. Those nominees filled the very vacancies for the 9th, 10th and even the 11th judgeship on the court that Senate Republicans are demanding be eliminated now that President Obama has been re-elected by the American people. The target of this legislation seems apparent when its sponsors emphasize that it is designed to take effect immediately and acknowledge that "[h]istorically, legislation introduced in the Senate altering the number of judgeships has most often postponed enactment until the beginning of the next President's term" but that their legislation "does not do this." It is just another foray in their concerted efforts to block this President from appointing judges to the DC Circuit.

In its April 5, 2013 letter, the Judicial Conference of the United States, chaired by Chief Justice John Roberts, sent us recommendations "based on our current caseload needs." They do not recommend stripping judgeships from the DC Circuit but state that they should continue at 11. Four are currently vacant. According to the Administrative Office of U.S. Courts, the caseload per active judge for the DC Circuit has actually increased by 50 percent since 2005, when the Senate confirmed President Bush's nominee to fill the 11th seat on the DC Circuit. When the Senate confirmed Thomas Griffith, President Bush's nominee to the 11th seat in 2005, the confirmation resulted in there being approximately 119 pending cases per active DC Circuit judge. There are currently 188 pending cases for each active judge on the DC Circuit, more than 50 percent higher.

Senate Republicans also seek to misuse caseload numbers. The DC Circuit Court of Appeals is often considered "the second most important court in the land" because of its special jurisdiction and because of the important and complex cases that it decides. The court reviews complicated decisions

and rulemaking of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. These cases make incredible demands on the time of the judges serving on this court. It is misleading to cite statistics and to accuse hard-working judges of having a light or easy workload. All cases are not the same and many of the hardest, most complex and most time-consuming cases in the Nation end up at the DC Circuit.

As the former Chief Judge of the DC Circuit Court of Appeals explained again recently, "The nature of the DC Circuit's caseload is what sets it apart from other courts." She correctly noted in her recent column:

The DC Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, health-care reform issues, insider trading and more. These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions.

I ask unanimous consent that a copy of that article again be printed in the RECORD at the conclusion of my remarks.

Today, the Senate will vote on only one of the 15 judicial nominees ready for final action. While I am glad that we are being allowed to fill one of the 86 judicial vacancies around the country, I wish we were allowed to make more progress more quickly. After all, there are 14 judicial nominees voted out of the Judiciary Committee without objection who are currently pending before the Senate. All members of the committee, Republicans and Democrats agreed that they were qualified and should be confirmed. Some were held over from last year. Indeed, there are still five judicial nominees pending on the Executive Calendar who could and should have been confirmed last year.

There are currently three times as many judicial nominees on the Executive Calendar as there were at this point in President Bush's second term. Of course by then the Senate had proceeded to confirm almost two dozen more judges than we have been allowed to proceed to consider. Before Senate Republicans pat themselves on the back too hard, they should help us clear the nominees backlogged from last year and acknowledge that there was just one judicial nominee confirmed this year whose hearing was held this year. The others were all nominees they needlessly held over for months and who should have been confirmed last year.

It is really incomprehensible that so many judgeships were forced to remain vacant for so long when there was no actual opposition to these consensus

nominees. That is not what Democratic Senators did during the Bush administration. This is a new and destructive tactic. Despite the progress we have been allowed to make this year, we remain more than 20 circuit and district nominees behind the pace set during President Bush's administration. Just 183 of President Obama's circuit and district nominees have been confirmed, compared to 206 of President Bush's at the same point, and vacancies today are nearly double what they were in April 2005. We can make up much of that ground if Senate Republicans would just agree to a vote on all 15 nominees currently pending on the Executive Calendar. All of them received bipartisan support in committee, and all but one were unanimous. There is no good reason for further delay.

At this point in President Bush's presidency, when his district nominees were reported by the Judiciary Committee, it took, on average, just 35 days for them to receive a vote. The comparable average for President Obama's district court nominees is nearly three times as long, 102 days. This number is has a firm foundation—arithmetic. It is derived simply by adding up the number of days each nominee waited and dividing by the number of nominees. That is how an average is calculated.

During President Bush's first term alone, 57 district nominees were confirmed within just 1 week of being reported. By contrast, during his first 4 years only two of President Obama's district nominees have been confirmed within a week of being reported by the Committee. Just before the Thanksgiving recess in 2009, when Senator SESSIONS of Alabama was the ranking Republican on the Judiciary Committee, we were able to get Republican agreement to confirm Judge Abdul Kallon, a nominee from Alabama, and Judge Christina Reiss, our Chief Judge for the Federal District Court for the District of Vermont. They had their hearing on November 4, were voted on by the Judiciary Committee 2 weeks later on November 19, and were confirmed by the Senate on November 21. They were not stalled on the Senate Executive Calendar without a vote for weeks and months. They were confirmed 2 days after the vote by the Judiciary Committee. That should be the standard we follow, not be the exception. It should not take being from the ranking Republican's home State to be promptly confirmed as a noncontroversial judicial nominee.

Digging deeper into the numbers, the Congressional Research Service has found that during President Bush's first term, 85 percent of his district nominees waited 60 days or fewer for a vote. In President Obama's first term, 78 percent of his district nominees waited 60 days or longer. What these data show is that President Obama's district nominees have been facing unprecedented delays. There is an undeniable pattern of Republican obstruction

and delay that has faced district nominees during the last four years, a pattern that is without precedent.

While these delays and backlogs are without precedent, Republicans point to April 2004 as the one time that there were a number of President Bush's nominees pending on the floor. Of course back in April 2004, President Bush had bypassed the Senate and recess appointed two individuals to be circuit judges, while Republican Committee staff hacked into a shared server to pilfer Democratic files. Still, we were able to clear the backlog that resulted by confirming more than 20 consensus nominees in just 1 month. There is nothing like that to explain the years of backlogged judicial nominees during this administration. In truth, 17 of the judicial nominations for which Senate Republicans take credit over the past 2 years should have been confirmed more than 2 years ago in the preceding Congress. They allowed only 60 judicial confirmations to take place during President Obama's first 2 years in office, the lowest total for a President in over 30 years. This is not a new phenomenon. During President Obama's first year in office, Senate Republicans stalled all but 12 of his circuit and district nominees. That was the lowest 1-year confirmation total since the Eisenhower administration, when the Federal bench was barely one-third the size it is today.

The fact is that we have these 15 nominees waiting for a vote. All Senate Democrats are prepared to vote on all of them today.

Before Republicans take refuge in the number of vacancies without a nominee, they should be honest about their slow-walking the President on recommendations for nominees from their home States. For example, there are 24 emergency vacancies in States represented by Republican Senators. Over 40 percent of all judicial emergency vacancies are in just 3 States, each of which is represented by 2 Republican Senators. Those Senators should be working with the White House to fill those vacancies. I encourage Republican Senators to work with this President, just as I encouraged Democratic Senators to work with President Bush, to find good nominees for those important vacancies and to allow qualified nominees to move forward. I take very seriously our responsibilities of both advice and consent on nominations.

Today, the Senate is being allowed to confirm Judge Beverly O'Connell to a judicial emergency vacancy on the Federal trial court for the Central District of California, one of the busiest courts in the Nation. She currently serves on the Superior Court for the County of Los Angeles in California, where she has served for the last 8 years. She is also currently an Adjunct Professor of Law at Loyola Law School and at Pepperdine University School of Law. Prior to becoming a judge, she served in the U.S. Attorney's Office for the Central District of California for 10

years and worked in private practice as an associate at Morrison & Foerster LLP. She received the ABA Standing Committee on the Federal Judiciary's highest possible rating, unanimously "well qualified," and has the support of her home State Senators, Senator FEINSTEIN and Senator BOXER. She originally had her hearing last December, was unanimously approved by the Judiciary Committee, will be overwhelmingly approved by the Senate, and should and could have been confirmed last year.

Finally, last month, I spoke about the damaging effect of sequestration on our Federal courts and our system of justice and how these indiscriminate cuts have caused both Federal prosecutors and Federal public defenders to be furloughed. The effects have become all too real as even terrorism prosecutions are being delayed. Chief Judge Loretta Preska of the Southern District of New York called these cuts "devastating." The head of the Federal Defenders Office stated: "On a good day, we're stretched thin. . . . Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment." He is right. Sequestration is causing grave harm to our judicial system. I ask unanimous consent that a copy of an article dated April 8 be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 2013]

SENATE MUST ACT ON APPEALS COURT  
VACANCIES

(By Patricia M. Wald)

Patricia M. Wald, who is retired, served as a judge on the U.S. Court of Appeals for the D.C. Circuit from 1979 to 1999, including five years as chief judge.

Pending before the Senate are nominations to fill two of the four vacant judgeships on the U.S. Court of Appeals for the District of Columbia Circuit. This court has exclusive jurisdiction over many vital national security challenges and hears the bulk of appeals from the major regulatory agencies of the federal government. Aside from the U.S. Supreme Court, it resolves more constitutional questions involving separation of powers and executive prerogatives than any court in the country.

The D.C. Circuit has 11 judgeships but only seven active judges. There is cause for extreme concern that Congress is systematically denying the court the human resources it needs to carry out its weighty mandates.

The court's vacancies date to 2005, and it has not received a new appointment since 2006. The number of pending cases per judge has grown from 119 in 2005 to 188 today. A great many of these are not easy cases. The D.C. Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, healthcare reform issues, insider trading and more. These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions.

I served on the D.C. Circuit for more than 20 years and as its chief judge for almost five. My colleagues and I worked as steadily and intensively as judges on other circuits even if they may have heard more cases. The nature of the D.C. Circuit's caseload is what sets it apart from other courts. The U.S. Judicial Conference reviews this caseload periodically and makes recommendations to Congress about the court's structure. In 2009, the conference recommended, based on its review, that the circuit's 12th judgeship be eliminated. This apolitical process is the proper way to determine the circuit's needs, rather than in the more highly charged context of individual confirmations.

During my two-decade tenure, 11 active judges were sitting a majority of the time; today, the court has only 64 percent of its authorized active judges. This precipitous decline manifests in the way the court operates. And while the D.C. Circuit has five senior judges, they may opt out of the most complex regulatory cases and do not sit en banc. They also choose the periods during which they will sit, which can affect the randomization of assignment of judges to cases.

There is, moreover, a subtle constitutional dynamic at work here: The president nominates and the Senate confirms federal judges for life. While some presidents may not encounter any vacancies during their administration, over time the constitutional schemata ensures that the makeup of courts reflects the choices of changing presidents and the "advise and consent" of changing Senates. Since the circuit courts' structure was established in 1948, President Obama is the first president not to have a single judge confirmed to the D.C. Circuit during his first full term. The constitutional system of nomination and confirmation can work only if there is good faith on the part of both the president and the Senate to move qualified nominees along, rather than withholding consent for political reasons. I recall my own difficult confirmation 35 years ago as the first female judge on the circuit; eminent senators such as Barry Goldwater, Thad Cochran and Alan Simpson voted to confirm me regardless of differences in party or general political philosophy.

The two D.C. Circuit nominees before the Senate are exceedingly well qualified. Caitlin Halligan served as my law clerk during the 1995-96 term, working on cases involving the Department of Health and Human Services, the Immigration and Naturalization Service, the Federal Communications Commission and diverse other topics. She later clerked for Supreme Court Justice Stephen Breyer. She also served as New York solicitor general and general counsel for the Manhattan district attorney's office, as well as being a partner in a major law firm. The other nominee, Sri Srinivasan, has similarly impressive credentials and a reputation that surely merits prompt and serious consideration of his nomination.

There is a tradition in the D.C. Circuit of spirited differences among judges on the most important legal issues of our time. My experience, however, was that deliberations generally focused on the legal and real-world consequences of decisions and reflected a premium on rational thinking and intellectual prowess, not personal philosophy or policy preferences. It is in that vein that I urge the Senate to confirm the two pending nominations to the D.C. Circuit, so that this eminent court can live up to its full potential in our country's judicial work.

[From the New York Times, Apr. 8, 2013]

CITING CUTS, LAWYERS SEEK RELIEF IN  
TERRORISM CASE

(By Benjamin Weiser)

Federal public defenders who are representing a son-in-law of Osama bin Laden

on terrorism charges urged a judge on Monday not to hold an early trial because automatic government budget cuts were requiring furloughs of lawyers in their office.

The request, which seemed to take the judge, Lewis A. Kaplan, by surprise, follows requests that five or six federal judges in Manhattan have received from public defenders to be relieved from cases in the wake of the automatic cuts, known as sequestration, said Loretta A. Preska, the chief judge of the Federal District Court in Manhattan.

"It's devastating," Judge Preska said late Monday. She praised the work of the federal defenders and said their replacement in cases with publicly paid court-appointed lawyers would probably lead to delays and higher costs.

Judge Kaplan said in court on Monday that he was considering holding the trial of bin Laden's son-in-law, Sulaiman Abu Ghaith—a onetime Al Qaeda spokesman charged with conspiring to kill Americans—in September. After the defense requested a later date, he said: "It's extremely troublesome to contemplate the possibility of a case of this nature being delayed because of sequestration. Let me say only that—stunning."

The judge did not set a trial date, saying he would consider the request, but the exchange shows how the forced budget cuts are beginning to have an effect on the administration of justice in federal courts in New York.

About 30 trial lawyers with the federal defenders office handle around 2,000 criminal cases a year in federal courts in Manhattan, Brooklyn and other locations, according to David E. Patton, who heads the office.

The forced cuts, he said, will mean each lawyer in the office will be furloughed for five and a half weeks through the end of September, when the fiscal year ends.

"On a good day, we're stretched thin," Mr. Patton said. "Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment."

"Investigations have to be conducted," Mr. Patton added. "Evidence must be reviewed. Law must be researched. Those things don't just happen by themselves."

In seeking the delay, lawyers for Mr. Abu Ghaith, who was arraigned in March, cited the need for overseas investigation, the translation of voluminous materials and other issues. "We would urge the court to find a later date," one lawyer, Martin Cohen, said.

Judge Preska said that lawyers had been allowed to leave one of the cases in which the furlough problem had been cited; the issue is pending in the others.

Newly appointed lawyers would have to "get up to speed" on their cases, and because they are paid by the hour (federal defenders are salaried), the public would probably end up paying more, Judge Preska said. "There's no resolution," she said. "Time is of the essence, and we're very, very concerned."

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in the midst of another tragic occurrence in our country, where we are all holding our breath to learn the facts, and praying, I wanted to say the business of the Senate is moving forward in terms of judges and how important it is to have judges in place so criminals can be prosecuted and justice is served.

Tonight in front of the Senate is Judge Beverly Reid O'Connell to be district court judge for the Central District Court of California. Judge Reid O'Connell was approved in the Judiciary Committee by a voice vote. She has

had a very diverse legal career. She served as an exemplary superior court judge in Los Angeles. She will be an excellent addition to the Federal bench. She is a lifelong Southern Californian. She grew up in Northridge, where she was valedictorian of her high school. She went on to attend UCLA and Pepperdine Law School, where she was managing editor of the *Law Review* and graduated magna cum laude.

She began her career in private practice, spending 5 years as an associate at Morrison and Foerster. In 1995, she joined the Department of Justice as an assistant U.S. attorney, where she spent 10 years gaining critical criminal law and trial experience.

Judge O'Connell excelled as an assistant U.S. attorney. She was the deputy chief of the general crimes section, responsible for supervising all the attorneys in the criminal division. She was the lead attorney on a case that led to the indictment of the highest ranking member of a major drug trafficking organization on U.S. soil.

For her work on this case she was awarded the DEA Administrator's Award for Exceptional Service.

She has also received numerous other awards from the DEA, FBI, and local governments.

She was appointed Superior Court Judge in Los Angeles in 2005 by Governor Arnold Schwarzenegger, and Judge O'Connell is the Assistant Supervising Judge of the North Valley Judicial District where she is responsible for supervising 3 court houses and 22 bench officers.

An expert in criminal law, she presides over all aspects of felony criminal cases before the Superior Court.

In addition to being well-respected for her demeanor on the bench and her stellar legal intellect, she is known by her colleagues as a great manager and supervisor, attributes which will serve her well at the busy central district.

Judge Reid O'Connell is also very active in the Southern California legal community.

She created a program that brings inner-city students to the Superior Court to educate them about the legal process and to spend time with judges and lawyers.

She also teaches continuing education courses to California judges on criminal law, and is an adjunct professor at the law schools of Pepperdine and Loyola.

Judge Reid O'Connell received the ABA's highest possible rating—unanimously “well qualified and they said she will make an excellent Federal judge.

While we are in the midst of some very contentious debates—and I hope and pray we will move forward with the background check amendment that was crafted by our colleagues Senator MANCHIN and Senator TOOMEY—and while we are worried about everything that has happened in the country, particularly what has happened today at the Boston Marathon, I know we can

move forward tonight because we need to make sure we have qualified judges on the benches to deal with crimes, to deal with justice every single day.

I believe Judge Reid O'Connell is a wonderful choice for these very difficult times and I urge my colleagues to support her nomination.

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for Superior Court Judge Beverly Reid O'Connell's nomination to be a district judge for the Central District of California.

Born in Ventura, CA, Judge O'Connell graduated from the University of California, Los Angeles in 1986 and earned her law degree from Pepperdine University School of Law magna cum laude in 1990. She was managing editor of the *Pepperdine Law Review*.

Following law school, she worked on complex civil litigation in private practice at the law firm Morrison & Foerster for 5 years. She then joined the U.S. Attorney's Office in the Central District of California, where she served for 10 years, from 1995 through 2005. She handled a number of high profile cases, such as the prosecution of a high ranking member of the Arellano Felix drug cartel.

She was appointed to the Superior Court by former Governor Arnold Schwarzenegger in 2005. She has been an outstanding judge, presiding over literally thousands of cases and approximately 150 jury trials. She also has been a proven administrator, serving with great skill as an assistant supervising judge for the North Valley District of the Superior Court.

Simply put, Judge O'Connell has outstanding credentials and an impeccable reputation, and she has received a rating of “well qualified” from the American Bar Association—the ABA's highest rating.

I will conclude by saying that I have met with Judge O'Connell, and I have no doubt she will be an excellent addition to the Central District.

I commend Senator BOXER for recommending such a fine candidate to President Obama, and I am pleased her nomination is on the floor today. I hope my colleagues will support her nomination.

Mrs. BOXER. Mr. President, before I yield the floor I want to say, for the note of anyone who has been following that on Monday nights I usually speak about climate change. I am not going to do this tonight. I am going to put that off until next week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BOSTON MARATHON TRAGEDY

Mr. REID. Mr. President, I, like every Member of the Senate, am

shocked and saddened by the news from Boston today. There were explosions near the finish line at the Boston Marathon. My thoughts go out to all those who were injured, and my condolences go to the families and friends of those affected by this tragedy.

I commend the first responders and the observers who rushed toward danger to help those who were hurt. We will continue to monitor the news from Boston.

President Obama has spoken to a number of people, including the mayor of Boston and Governor Deval Patrick. They have pledged every resource available to help those who were affected and to find and bring to justice the perpetrators. The President will be speaking to the Nation in about 20 minutes.

I will do whatever I can to support the people of Boston and the Commonwealth of Massachusetts, as we all will, during this difficult time.

I ask unanimous consent that all time be yielded back on the nomination, and following a moment of silence in observance of the tragic events which took place in Boston earlier today, the Senate then proceed to vote on the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the Senate will observe a moment of silence.

(Moment of Silence.)

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Beverly Reid O'Connell to be United States District Judge for the Central District of California?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 96 Ex.]

YEAS—92

|           |        |            |
|-----------|--------|------------|
| Alexander | Baucus | Blumenthal |
| Baldwin   | Begich | Blunt      |
| Barrasso  | Bennet | Boozman    |

|            |              |             |
|------------|--------------|-------------|
| Boxer      | Hatch        | Nelson      |
| Brown      | Heinrich     | Paul        |
| Burr       | Heller       | Portman     |
| Cantwell   | Hirono       | Pryor       |
| Cardin     | Inhofe       | Reed        |
| Carper     | Isakson      | Reid        |
| Casey      | Johanns      | Risch       |
| Chambliss  | Johnson (SD) | Roberts     |
| Coats      | Johnson (WI) | Rockefeller |
| Cochran    | Kaine        | Rubio       |
| Collins    | King         | Sanders     |
| Coons      | Kirk         | Schatz      |
| Corker     | Klobuchar    | Schumer     |
| Cornyn     | Landrieu     | Scott       |
| Cowan      | Leahy        | Sessions    |
| Crapo      | Lee          | Shaheen     |
| Cruz       | Levin        | Shelby      |
| Donnelly   | Manchin      | Stabenow    |
| Durbin     | McCain       | Tester      |
| Enzi       | McCaskill    | Thune       |
| Feinstein  | McConnell    | Toomey      |
| Fischer    | Menendez     | Udall (CO)  |
| Flake      | Merkley      | Udall (NM)  |
| Franken    | Mikulski     | Warner      |
| Gillibrand | Moran        | Whitehouse  |
| Grassley   | Murkowski    | Wicker      |
| Hagan      | Murphy       | Wyden       |
| Harkin     | Murray       |             |

## NOT VOTING—8

|        |            |        |
|--------|------------|--------|
| Ayotte | Heitkamp   | Vitter |
| Coburn | Hoeven     | Warren |
| Graham | Lautenberg |        |

The nomination was confirmed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WORLD WAR II VETERANS VISIT

Mr. TESTER. Mr. President. On April 21, 88 World War II veterans from Montana will be visiting our Nation's Capital.

With a great deal of honor and respect, I extend a hearty Montana welcome to each and every one of them.

Together, they will visit the World War II Memorial and share stories about their service. This journey will no doubt bring about a lot of memories. I hope it will give them a deep sense of pride as well.

What they achieved together almost 70 years ago was remarkable. That memorial is a testament to the fact that a grateful nation will never forget what they did or what they sacrificed. To us, they were our greatest generation. They left the comforts of their family and their communities to confront evil from Iwo Jima to Bastogne. Together, they won the war in the Pacific by defeating an empire and liberated a continent by destroying Hitler and the Nazis.

To them, they were simply doing their jobs. They enlisted in unprecedented numbers to defend our freedoms and our values. They represented the very best of us and made us proud.

From a young age, I remember playing the bugle at the memorial services of veterans of the first two World Wars. It instilled in me a profound sense of respect that I will never forget.

Honoring the service of every generation of American veterans is a Montana value. I deeply appreciate the work of the Big Sky Honor Flight, the nonprofit organization that made this trip possible.

To the World War II veterans making the trip, I salute you. We will always be grateful, and we will never forget your service or your sacrifice.

## ADDITIONAL STATEMENTS

## TRIBUTE TO ANNA JO GARCIA HAYNES

• Mr. BENNET. Mr. President, today I wish to celebrate Anna Jo Garcia Haynes, a remarkable Coloradan, who has made helping kids her life's work. Anna Jo rises every morning and before she greets the day, asks, "What can I do to improve the lives of kids today?" She began her work with the founding of the Mile High Montessori Early Learning Center, which operates eight centers in Denver's inner city for children from families with limited resources.

Anna Jo has received many accolades over her career, and she has been recognized by foundations, elected officials, including both houses of the Colorado legislature, and many others. She is often praised with flowery language and many whereas clauses to acknowledge her service to Colorado's kids.

I know that Anna Jo would want me to say in my remarks today that she is very proud of her humble, pioneer roots in Colorado and that she raised five children, who were secure in their mother's love and grew up to become leaders in their own right. She would further want me to say that she lives for kids—and has worked to create hope and success for kids who were not born into educational or economic opportunity but who have achieved it due to the programs she has worked to create and support.

This month, Anna Jo is receiving due recognition from the Girls Athletic Leadership School in Denver, CO, for being a champion for Colorado education. I join the Girls Athletic Leadership School and the State of Colorado in thanking Anna Jo for working to create educational opportunity and for enriching our community and our State. I look forward to whatever Anna Jo tackles in the future and the positive influence she will continue to have in our community. •

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on April 12, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 716. An act to modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms.

## ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on April 12, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 716. An act to modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bill was subsequently signed on April 12, 2013, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

## MESSAGE FROM THE HOUSE

At 2:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 678. An act to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

H.R. 1120. An act to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

The message also announced that the House has agreed to the following resolution:

H. Res. 142. Resolution relative to the election of Members to Joint Committee of Congress on the Library and Joint Committee on Printing.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 678. An act to authorize all Bureau of Reclamation conduit facilities for hydro-power development under Federal Reclamation law, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1120. An act to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 729. A bill to protect law abiding citizens by preventing criminals from obtaining firearms.

S. 730. A bill to prevent criminals from obtaining firearms through straw purchasing and trafficking.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 12, 2013, she had presented to the President of the United States the following enrolled bill:

S. 716. An act to modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled "Inquiry Into U.S. Costs and Allied Contributions to Support the U.S. Military Presence Overseas" (Rept. No. 113-12).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mr. PORTMAN, Mr. CRAPO, Mr. BOOZMAN, Mr. ENZI, and Mr. BARRASSO):

S. 720. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. MORAN):

S. 721. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm; to the Committee on Commerce, Science, and Transportation.

By Mrs. SHAHEEN:

S. 722. A bill to require the Secretary of the Treasury to study the feasibility of pro-

viding certain taxpayers with an optional pre-prepared tax return, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. TESTER, and Mr. BLUMENTHAL):

S. 723. A bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. RISCH, Mr. HOEVEN, Mr. WICKER, Mr. JOHANNIS, Mr. ENZI, Mrs. FISCHER, Ms. COLLINS, Mr. INHOFE, and Mr. BOOZMAN):

S. 724. A bill to provide flexibility to agencies on determining what employees are essential personnel in implementing the sequester; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 725. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 726. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Mr. MANCHIN):

S. 727. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Ms. COLLINS, and Mr. CARDIN):

S. 728. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Finance.

By Mr. CRUZ (for himself, Mr. PAUL, Mr. LEE, Mr. BOOZMAN, Mr. SCOTT, Mr. INHOFE, Mr. RISCH, Mr. CRAPO, Mr. JOHANNIS, Mr. GRAHAM, and Mr. RUBIO):

S. 729. A bill to protect law abiding citizens by preventing criminals from obtaining firearms; read the first time.

By Mr. CRUZ:

S. 730. A bill to prevent criminals from obtaining firearms through straw purchasing and trafficking; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COBURN (for himself, Mr. SCHUMER, and Mr. MCCONNELL):

S. Res. 97. A resolution expressing the sense of the Senate that the Food and Drug Administration should encourage the use of abuse-deterrent formulations of drugs; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of

S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 135

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 135, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 195

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 195, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 232

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 296

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 309

At the request of Mr. HARKIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 313

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 448

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of



of S. 448, a bill to allow seniors to file their Federal income tax on a new Form 1040SR.

S. 450

At the request of Mr. SHELBY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 450, a bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes.

S. 453

At the request of Mrs. HAGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 453, a bill to require that certain Federal job training and career education programs give priority to programs that lead to an industry-recognized and nationally portable credential.

S. 458

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 458, a bill to improve and extend certain nutrition programs.

S. 462

At the request of Mrs. BOXER, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 464

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 464, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 470

At the request of Mr. TESTER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 470, a bill to amend title 10, United States Code, to require that the Purple Heart occupy a position of precedence above the new Distinguished Warfare Medal.

S. 471

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 471, a bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes.

S. 480

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S.

480, a bill to improve the effectiveness of the National Instant Criminal Background Check System by clarifying reporting requirements related to adjudications of mental incompetency, and for other purposes.

S. 505

At the request of Mr. CRUZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 505, a bill to prohibit the use of drones to kill citizens of the United States within the United States.

S. 509

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 509, a bill to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah.

S. 510

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 510, a bill to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

S. 516

At the request of Mr. TESTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 516, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 517

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 517, a bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

S. 545

At the request of Ms. MURKOWSKI, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. 579

At the request of Mr. MENENDEZ, the names of the Senator from Montana (Mr. TESTER) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 579, a bill to direct the Secretary of State to develop a

strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 617

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 617, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 628

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 628, a bill to amend title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to expand the authority of such Board to review of the separation of members of the Armed Forces on the basis of mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder.

S. 629

At the request of Mr. PRYOR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 635

At the request of Mr. BROWN, the names of the Senator from Nevada (Mr. HELLER), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 679

At the request of Mr. BROWN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 679, a bill to promote local and regional farm and food systems, and for other purposes.

S. 687

At the request of Mr. MORAN, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 687, a bill to prohibit the closing of air traffic control towers, and for other purposes.

S. 689

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. BLUMENTHAL), the



Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 689, a bill to reauthorize and improve programs related to mental health and substance use disorders.

S. 700

At the request of Mr. KAINE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 710

At the request of Mr. WARNER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 710, a bill to provide exemptions from municipal advisor registration requirements.

S. RES. 65

At the request of Mr. GRAHAM, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 725. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to reintroduce the Small Business Taxpayer Bill of Rights Act of 2013, SBTBOR.

As millions of taxpayers across the country race to meet today's deadline to file their Federal tax return, it is important to note that their tax burden is more than just the amount of tax paid to the Federal Government. Taxpayers also bear the compliance cost of complying with a byzantine tax code. Analysts predict that taxpayers will spend over \$350 billion this year alone to comply with the tax code. An analysis of IRS data by the Office of the Taxpayer Advocate shows it takes taxpayers more than 6.1 billion hours to compete filings required by a tax code that contains almost four million words and that, on average, has more than one new provision added to it daily.

A dispute over a complex tax code with the IRS can become an expensive endeavor for small businesses, who have limited resources to fight off frivolous IRS claims. With the passage of the 2010 health care act, this burden is expected to increase in the future. At a time when job creation remains weak, small businesses should be spending their time and resources creating jobs, not cutting through miles of burdensome IRS red tape. The Small Business Taxpayer Bill of Rights seeks to miti-

gate this problem. It would ensure that small businesses spend less time dealing with the IRS and more time creating jobs.

The Small Business Taxpayer Bill of Rights, among other things, provides more protections and safeguards for small businesses during administrative procedures with the IRS. It would lower the compliance burden on small business taxpayers; strengthen safeguards against IRS overreach; increase taxpayer compensation for IRS abuses and; improve taxpayer access to the court system. Amid the weakest economic recovery since World War II, American job creators urgently need such relief.

The Small Business Taxpayer Bill of Rights Act will reduce the compliance and administrative burdens faced by small business taxpayers when it comes to dealing with the IRS. The bill provides an alternative dispute resolution procedure through which a small business taxpayer may be able to request arbitration with an independent, neutral third party not employed by the IRS. In addition, the bill will make more small businesses eligible to recoup attorney's fees when a court finds that the IRS's action taken against a taxpayer is not substantially justified.

The legislation also reinforces the independent nature of the IRS Appeals Office by prohibiting it from discussing the merits of a taxpayer's case with any other department at the IRS, unless the taxpayer is afforded an opportunity to participate. Second, the bill will prevent an Appeals Officer from raising a new issue that was not initially raised by the IRS in the examination process. The SBTBOR would help to ensure the Appeals Office remains a neutral entity that effectively facilitates the taxpayer's appeals process.

The Small Business Taxpayer Bill of Rights Act will make the IRS more accountable to taxpayers by increasing the amount of damages taxpayers may receive for any collection action the IRS takes against them that is reckless, or by reason of negligence disregards the law or its regulations. Second, it increases the amount of damages taxpayers may be awarded when the IRS improperly discloses their tax returns and tax information. Third, the bill raises the monetary penalty on IRS employees who commit certain unlawful acts or disclose taxpayer information.

Finally, the legislation will improve taxpayer access to the Tax Court by expanding the role of the current "small tax case" procedure—an informal and efficient method for resolving disputes before the Tax Court—to include a wider variety of cases. The bill will permit taxpayers to obtain judicial review from the Tax Court when the IRS fails to act on their claim for interest abatement due to an error or delay by the IRS. And taxpayers whose property has been wrongly seized to satisfy a tax debt will have more time to claim relief and bring a civil suit against the IRS. It also makes proce-

dural improvements for taxpayers who request innocent spouse relief. By requesting innocent spouse relief, taxpayers can be relieved of the responsibility for paying tax, interest, and penalties if their spouse improperly reported items or omitted items on their tax return.

This legislation is also supported by the Texas Association of Business, National Federation of Independent Business, U.S. Hispanic Chamber of Commerce, Americans for Tax Reform, and the National Taxpayers Union, among others.

Small business owners face an especially crushing burden of paperwork, but they lack the key financial and legal resources that multinational corporations do when dealing with the tax code and the IRS. This legislation will provide relief for small businesses and will allow small businesses to spend more time expanding their business and creating jobs and less time dealing with the IRS.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 725

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Taxpayer Bill of Rights Act of 2013".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Modification of standards for awarding of costs and certain fees.
- Sec. 3. Civil damages allowed for reckless or intentional disregard of internal revenue laws.
- Sec. 4. Modifications relating to certain offenses by officers and employees in connection with revenue laws.
- Sec. 5. Modifications relating to civil damages for unauthorized inspection or disclosure of returns and return information.
- Sec. 6. Interest abatement reviews.
- Sec. 7. Ban on ex parte discussions.
- Sec. 8. Alternative dispute resolution procedures.
- Sec. 9. Extension of time for contesting IRS levy.
- Sec. 10. Waiver of installment agreement fee.
- Sec. 11. Suspension of running of period for filing petition of spousal relief and collection cases.
- Sec. 12. Venue for appeal of spousal relief and collection cases.
- Sec. 13. Increase in monetary penalties for certain unauthorized disclosures of information.
- Sec. 14. De novo tax court review of claims for equitable innocent spouse relief.
- Sec. 15. Ban on raising new issues on appeal.

#### SEC. 2. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.

(a) SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.—Subparagraph (D)

of section 7430(c)(4) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “and”, and by adding at the end the following new clause:

“(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply.”.

(b) **ELIGIBLE SMALL BUSINESS.**—Paragraph (4) of section 7430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) **ELIGIBLE SMALL BUSINESS.**—For purposes of subparagraph (D)(iii), the term ‘eligible small business’ means, with respect to any proceeding commenced in a taxable year—

“(i) a corporation the stock of which is not publicly traded,

“(ii) a partnership, or

“(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

### SEC. 3. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—Section 7433(b) of the Internal Revenue Code of 1986 is amended by striking “\$1,000,000 (\$100,000, in the case of negligence)” and inserting “\$3,000,000 (\$300,000, in the case of negligence)”.

(b) **EXTENSION OF TIME TO BRING ACTION.**—Section 7433(d)(3) of the Internal Revenue Code of 1986 is amended by striking “2 years” and inserting “5 years”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

### SEC. 4. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.

(a) **INCREASE IN PENALTY.**—Section 7214 of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$10,000” in subsection (a) and inserting “\$25,000”, and

(2) by striking “\$5,000” in subsection (b) and inserting “\$10,000”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

### SEC. 5. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—Subparagraph (A) of section 7431(c)(1) of the Internal Revenue Code of 1986 is amended by striking “\$1,000” and inserting “\$10,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

### SEC. 6. INTEREST ABATEMENT REVIEWS.

(a) **FILING PERIOD FOR INTEREST ABATEMENT CASES.**—

(1) **IN GENERAL.**—Subsection (h) of section 6404 of the Internal Revenue Code of 1986 is amended—

(A) by striking “REVIEW OF DENIAL” in the heading and inserting “JUDICIAL REVIEW”, and

(B) by striking “if such action is brought” and all that follows in paragraph (1) and inserting “if such action is brought—

“(A) at any time after the earlier of—

“(i) the date of the mailing of the Secretary’s final determination not to abate such interest, or

“(ii) the date which is 180 days after the date of the filing with the Secretary (in such form as the Secretary may prescribe) of a claim for abatement under this section, and

“(B) not later than the date which is 180 days after the date described in subparagraph (A)(i).”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to claims for abatement of interest filed with the Secretary after the date of the enactment of this Act.

(b) **SMALL TAX CASE ELECTION FOR INTEREST ABATEMENT CASES.**—

(1) **IN GENERAL.**—Subsection (f) of section 7463 of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(3) a petition to the Tax court under section 6404(h) in which the amount of interest abatement sought does not exceed \$50,000.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to—

(A) cases pending as of the day after the date of the enactment of this Act, and

(B) cases commenced after such date of enactment.

### SEC. 7. BAN ON EX PARTE DISCUSSIONS.

(a) **IN GENERAL.**—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) **TERMINATION OF EMPLOYMENT FOR MISCONDUCT.**—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee’s official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) **DETERMINATION OF COMMISSIONER.**—

(1) **IN GENERAL.**—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) **DISCRETION.**—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. The Commissioner of Internal Revenue, in his sole discretion, may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) **NO APPEAL.**—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) **TIGTA REPORTING OF TERMINATION OR MITIGATION.**—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting “or section 7 of the Small Business Taxpayer Bill of Rights Act of 2013” after “1998”.

### SEC. 8. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) **IN GENERAL.**—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) **AVAILABILITY OF DISPUTE RESOLUTIONS.**—

“(1) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

“(2) **INDEPENDENT MEDIATORS.**—

“(A) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent, neutral individual not employed by the Office of Appeals.

“(B) **COST AND SELECTION.**—

“(i) **IN GENERAL.**—Any taxpayer making an election under subparagraph (A) shall be required—

“(I) to share the costs of such independent mediator equally with the Office of Appeals, and

“(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

“(ii) **EXCEPTION.**—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

“(iii) **SMALL BUSINESS.**—For purposes of clause (ii), the term ‘small business’ has the meaning given such term under section 41(b)(3)(D)(iii).

“(3) **AVAILABILITY OF PROCESS.**—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

### SEC. 9. EXTENSION OF TIME FOR CONTESTING IRS LEVY.

(a) **EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.**—Subsection (b) of section 6343 of the Internal Revenue Code of 1986 is amended by striking “9 months” and inserting “3 years”.

(b) **PERIOD OF LIMITATION ON SUITS.**—Subsection (c) of section 6532 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1) by striking “9 months” and inserting “3 years”, and

(2) in paragraph (2) by striking “9-month” and inserting “3-year”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

### SEC. 10. WAIVER OF INSTALLMENT AGREEMENT FEE.

(a) **IN GENERAL.**—Section 6159 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) WAIVER OF INSTALLMENT AGREEMENT FEE.—The Secretary shall waive the fees imposed on installment agreements under this section for any taxpayer with an adjusted gross income that does not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and who has agreed to make payments under the installment agreement by electronic payment through a debit instrument.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. 11. SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION OF SPOUSAL RELIEF AND COLLECTION CASES.**

(a) PETITIONS FOR SPOUSAL RELIEF.—

(1) IN GENERAL.—Subsection (e) of section 6015 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1)(A) with respect to a final determination of relief under this section, the running of the period prescribed by such paragraph for filing such a petition with respect to such final determination shall be suspended for the period during which the person is so prohibited from filing such a petition, and for 60 days thereafter.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to petitions filed under section 6015(e) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) COLLECTION PROCEEDINGS.—

(1) IN GENERAL.—Subsection (d) of section 6330 of the Internal Revenue Code of 1986 is amended—

(A) by striking “appeal such determination to the Tax Court” in paragraph (1) and inserting “petition the Tax Court for review of such determination”;

(B) by striking “JUDICIAL REVIEW OF DETERMINATION” in the heading of paragraph (1) and inserting “PETITION FOR REVIEW BY TAX COURT”;

(C) by redesignating paragraph (2) as paragraph (3), and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1) with respect to a determination under this section, the running of the period prescribed by such subsection for filing such a petition with respect to such determination shall be suspended for the period during which the person is so prohibited from filing such a petition, and for 30 days thereafter.”

(2) CONFORMING AMENDMENT.—Subsection (c) of section 6320 of such Code is amended by striking “(2)(B)” and inserting “(3)(B)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to petitions filed under section 6330 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

**SEC. 12. VENUE FOR APPEAL OF SPOUSAL RELIEF AND COLLECTION CASES.**

(a) IN GENERAL.—Paragraph (1) of section 7482(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting a comma, and

(3) by inserting after subparagraph (F) the following new subparagraphs:

“(G) in the case of a petition under section 6015(e), the legal residence of the petitioner, or

“(H) in the case of a petition under section 6320 or 6330—

“(i) the legal residence of the petitioner if the petitioner is an individual, and

“(ii) the principal place of business or principal office or agency if the petitioner is an entity other than an individual.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of enactment of this Act.

**SEC. 13. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.**

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) of the Internal Revenue Code of 1986 are each amended by striking “\$5,000” and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

**SEC. 14. DE NOVO TAX COURT REVIEW OF CLAIMS FOR EQUITABLE INNOCENT SPOUSE RELIEF.**

(a) IN GENERAL.—Subparagraph (A) of section 6015(e)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

“Any review of a determination by the Secretary with respect to a claim for equitable relief under subsection (f) shall be reviewed de novo by the Tax Court.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to petitions filed or pending before the Tax Court on and after the date of the enactment of this Act.

**SEC. 15. BAN ON RAISING NEW ISSUES ON APPEAL.**

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.**

“(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

“(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

“(1) Any issue that was not raised in a notice of deficiency or an examiner’s report which is the subject of the appeal.

“(2) Any deficiency in tax which was not included in the initial determination.

“(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

“(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

“Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

UNITED STATES HISPANIC  
CHAMBER OF COMMERCE,  
Washington, DC, April 11, 2013.

Hon. JOHN CORNYN,  
Senate Minority Whip, U.S. Senate,  
Washington, DC.

DEAR SENATOR CORNYN: The United States Hispanic Chamber of Commerce (USHCC) would like to express its support and thank you for introducing the Small Business Taxpayer Bill of Rights Act of 2013 (SBTBOR). As our organization advocates for legislation that helps Hispanic owned businesses grow the economy and create jobs, it is encouraging to see the SBTBOR introduced on the Senate floor during the 113th Congress.

As you are aware, Hispanic-owned firms are the fastest growing segment of American enterprise. We applaud you for recognizing this fact and, as a result, taking the initiative to provide sensible solutions for the USHCC constituency of Hispanic entrepreneurs. The four pillars of the SBTBOR—lowering compliance burden for taxpayers, strengthening taxpayer protections, compensating taxpayers for IRS abuses, and improving taxpayer access to the judicial system—are crucial for the financial health of small businesses across the country, and we hope that your Senate colleagues join in your efforts to pass common sense, pro-growth legislation.

In the USHCC’s 2012–2014 Legislative Agenda, regulatory reform is noted as a critical part of the Hispanic small business community’s potential for job creation and economic development. The SBTBOR, by addressing problematic regulation and interaction with the IRS, is in line with the USHCC’s view for a full economic recovery. In order for the Hispanic community to continue leveraging its entrepreneurial spirit, we cannot allow for these job creators to be subject to slow and costly resolution of audits, low civil damages when the IRS disregards the law, fees on installment agreements for low-income taxpayers, and many other harsh burdens that exist for small businesses.

The SBTBOR could have an immediate, positive impact on the Hispanic business community and American economy as a whole. Please let us know how we may assist in your effort to promote an environment where entrepreneurs focus more on growing their businesses rather than dealing with unreasonable regulations. We are here to help.

Respectfully Submitted,

MARC RODRIGUEZ,  
Chairman of the  
Board, USHCC.

JAVIER PALOMAREZ,  
President & CEO,  
USHCC.

By Mr. SCHATZ (for himself and  
Ms. HIRONO):

S. 726. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Rural Preventive Health Care Training Act of 2013”.

**SEC. 2. PREVENTIVE HEALTH CARE TRAINING.**

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

**“SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.**

“(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

“(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

“(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

“(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

“(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

“(3) to provide training in appropriate research and program evaluation skills in rural communities;

“(4) to create and implement innovative programs and curricula with a specific prevention component; and

“(5) for other purposes as the Secretary determines to be appropriate.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2014 through 2017.”.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 97—EXPRESSING THE SENSE OF THE SENATE THAT THE FOOD AND DRUG ADMINISTRATION SHOULD ENCOURAGE THE USE OF ABUSE-DETERRENT FORMULATIONS OF DRUGS**

Mr. COBURN (for himself, Mr. SCHUMER, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 97

Whereas when abuse-deterrent formulations of a drug have been developed, approved, and recognized as effective by the Food and Drug Administration, the approval and marketing of generic versions that do not have abuse-deterrent features are likely to prevent achievement of the public health purposes of the efforts to develop such abuse-deterrent formulations;

Whereas the Office of National Drug Control Policy and the Food and Drug Administration have for many years strongly encour-

aged manufacturers of opioid drug products to develop abuse-deterrent formulations designed to prevent or discourage the abuse or misuse of those products;

Whereas in response, several opioid drug manufacturers have developed abuse-deterrent formulations;

Whereas efforts to reduce the level of abuse of opioid drug products are dependent on the widespread adoption of new technologies and approaches to the safer formulation of these drugs; and

Whereas the Commissioner of Food and Drugs has acknowledged that the Food and Drug Administration has the authority under current law to require generic versions of products that have been formulated or reformulated with abuse-deterrent features to have comparable features: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Food and Drug Administration should exercise its acknowledged authority to—

(1) refuse to approve generic versions of non-abuse-deterrent opioid products that have been replaced in the market with abuse-deterrent formulations recognized by the Food and Drug Administration as effective; and

(2) require generic versions of abuse-deterrent opioid products to be formulated with comparable abuse-deterrent features.

**NOTICES OF HEARINGS****COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, April 18, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “Hearing for Secretary of Labor-Designate Thomas E. Perez.”

For further information regarding this meeting, please contact Anna Porto of the committee staff on (202) 224-5363.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, April 16, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “The Challenge of College Affordability: The Student Lens”

For further information regarding this meeting, please contact Leanne Hotek of the committee staff on (202) 228-6685.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 16, 2013, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President’s Proposed Budget for Fiscal Year 2014 for the Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to John.Assini@energy.senate.gov.

For further information, please contact Meghan Conklin (202) 224-8046 or John Assini (202) 224-9313.

**SUBCOMMITTEE ON WATER AND POWER**

Mr. WYDEN. Mr. President, I would like to advise you that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing will be to hear testimony on the following measures:

S. 211, the Provo River Project Transfer Act;

S. 284, the Fort Sumner Project Title Conveyance Act;

S. 510, the Scofield Land Transfer Act;

S. 659, to reauthorize the Reclamation States Emergency Drought Relief Act of 1991;

S. 684, to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes;

S. 693, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

S.J. Res. 12, A joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission, Act, 1920; and

H.R. 316 and S. Amdt. 579, the Collinsville Renewable Energy Promotion Act.

For further information, please contact Sara Tucker at (202) 224-6224 or John Assini at (202) 224-9313.

**SUBCOMMITTEE ON WATER AND POWER**

Mr. WYDEN. Mr. President, I would like to advise you of an addition to a previously announced hearing before Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 684, to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes;

S. 693, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; and

S. 715, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

For further information, please contact Sara Tucker at (202) 224-6224, or John Assini at (202) 224-9313.

#### PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent that Lara Flint, a detailee on the Senate Judiciary Committee, be granted the privilege of the floor for the duration of calendar year 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURES READ THE FIRST TIME—S. 729, S. 730

Mr. BEGICH. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time en bloc.

The assistant legislative clerk read as follows:

A bill (S. 729) to protect law-abiding citizens by preventing criminals from obtaining firearms.

A bill (S. 730) to prevent criminals from obtaining firearms through straw purchasing and trafficking.

Mr. BEGICH. I now ask for a second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

#### ORDERS FOR TUESDAY, APRIL 16, 2013

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 16, 2013; that following the prayer and pledge, the morning hour be deemed

expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that following morning business, the Senate resume consideration of S. 649, the gun safety legislation, and the time until the recess for the caucus meeting be for debate only; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Tuesday, April 16, 2013, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

VERNON S. BRODERICK, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE DEBORAH A. BATTS, RETIRED.

##### UNITED STATES SENTENCING COMMISSION

RACHEL ELISE BARKOW, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2017, VICE BERYL A. HOWELL, TERM EXPIRED.

CHARLES R. BREYER, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2015, VICE RUBEN CASTILLO, TERM EXPIRED.

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2017, VICE WILLIAM B. CARR, JR., TERM EXPIRED.

##### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be major general

BRIGADIER GENERAL LOUIS H. GUERNSEY, JR.  
BRIGADIER GENERAL MATTHEW T. QUINN  
BRIGADIER GENERAL KENNETH L. REINER

##### To be brigadier general

COLONEL STEPHEN G. KENT  
COLONEL JUAN A. RIVERA

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

MARIA V. NAVARRO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

SHANE G. HARRIS

##### IN THE COAST GUARD

PURSUANT TO THE AUTHORITY OF SECTION 271(D), TITLE 14, U.S. CODE, THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD:

##### To be rear admiral

BRUCE D. BAFFER  
MARK E. BUTT  
DAVID R. CALLAHAN  
STEPHEN P. METRUCK  
JOSEPH A. SERVADIO

PURSUANT TO THE AUTHORITY OF SECTION 12203(A), TITLE 10, U.S. CODE, THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD RESERVE:

##### To be rear admiral

KURT B. HINRICHS

#### CONFIRMATION

Executive nomination confirmed by the Senate April 15, 2013:

##### THE JUDICIARY

BEVERLY REID O'CONNELL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.